

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES ENTITLED "WATER" TO UPDATE THE CURRENT REGULATIONS RELATING TO ACCOUNTS AND PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 51 of the Code of Ordinances establishes the rules and regulations relating to the sale and distribution of water by the City, and the rates charged to consumers for such water services; and

WHEREAS, the Department of Public Utilities has reviewed the current rules and regulations and determined that these updates are necessary to improve operational services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 51 of the Code of Ordinances is hereby amended as follows:¹

TITLE V: PUBLIC WORKS

* * *

CHAPTER 51: WATER

* * *

WATER SERVICE REGULATIONS

* * *

§ 51.039 DUTY OF CONSUMER AS TO LEAKS OR WASTE; NO REFUNDS; RATE ADJUSTMENT.

[...]

¹ Words in ~~struck-through~~ type are deletions from existing text; underscoring words are additions to existing text.

~~(C) *Rate adjustment.* An account with usage exceeding 200% of the average monthly usage for the previous 12 months in any month commencing on or after March 1, 2009 will be considered once in a 12-month period for adjustment of such monthly overage to the lowest tiered water rate for an adjustment period of up to two months, subject to the customer providing supporting documentation of the existence and subsequent repair of a leak or other valid circumstances causing the overage. The granting of a rate adjustment will be subject to the approval of both the Director of Financial Services and the Director of Public Utilities or their designees.~~

(C) *Rate adjustment for residential accounts with a domestic meter.*

(1) The Director of Public Utilities or designee may grant a rate adjustment to the lowest tiered water rate for a customer account with a known leak event and usage exceeding 150% of the average monthly usage over the previous 12 months. The rate adjustment credit may be applied for up to two months and is limited to one adjustment within any 12-month period, provided the customer submits supporting documentation to the Utility Billing and Customer Service Office confirming the existence of the leak and its subsequent repair. The customer may apply for a rate adjustment more than once in a 12-month period if the cause of the leak reoccurs.

(2) The Director of Public Utilities or designee may grant a rate adjustment to the lowest tiered water rate for a customer account with usage exceeding 150% of the average monthly usage over the previous 12 months, provided the account has not received a leak credit within the preceding 36 months and the customer is unable to justify the existence of the leak and its subsequent repair. The rate adjustment may be applied once in a 36-month period for up to two months.

(D) *Rate adjustment for non-residential accounts with a domestic meter.*

(1) The Director of Public Utilities or designee may grant a 10% rate adjustment for a customer account with a known leak event and usage exceeding 150% of the average monthly usage over the previous 12 months. The rate adjustment credit may be applied for up to two months per leak event and is limited to one adjustment within any 12-month period, provided the customer submits supporting documentation confirming the leak's existence and its subsequent repair. The customer may apply for a rate adjustment more than once in a 12-month period if the cause of the leak reoccurs.

(2) The Director of Public Utilities or designee may grant a 10% rate adjustment for a customer account with usage exceeding 150% of the average monthly usage over the previous 12 months, provided the account has not received a leak credit in the preceding 36 months and the customer is unable to justify the existence and subsequent repair of a leak. The rate adjustment may be applied for one month within a 36-month period.

* * *

§ 51.071 LOCATION.

[...]

(B) In addition to the code enforcement citation and special hearing procedures, property Owners who: impede or otherwise deter access, or do not keep physical access to the meter free and clear of any obstacles, so that the City can read, repair, install, remove and do any other action necessary to the meter or to carry out disconnect or reconnect service, will also be subject to the City's right to take any reasonable physical action to secure access and remove obstacles, including but not limited to breaking any lock, removing any gate, and restraining or subduing any dog or other animal, that prevents, interferes with or otherwise impedes access to the meter. The City reserves the right to discontinue service or relocate the meter at the owner's expense.

~~(1) Impede or otherwise deter access; or~~

~~(2) Do not keep physical access to the meter free and clear of any obstacles, so that the City can read, repair, install, remove and do any other action necessary to the meter or to carry out disconnect or reconnect service, will also be subject to the City's right to take any reasonable physical action to secure access and remove obstacles, including but not limited to breaking any lock, removing any gate, and restraining or subduing any dog or other animal, that prevents, interferes with or otherwise impedes access to the meter.~~

~~Before the City takes any such action, the City shall provide the Owner (and/or the Customer, if different from the Owner) with a minimum of ten days written notice, by regular mail sent to the address listed on the water account, and by posting of the property, to provide access and remove all obstacles. In securing access and removing obstacles, the City shall not be liable for damage to property as long as the City makes a reasonable effort to minimize such damage.~~

Any reasonable expense incurred by the City in securing access to its water meter shall be the responsibility of the property Owner and if not paid within 30 days of written demand, shall constitute a lien against the property until paid. Such lien shall be coequal with the lien of all state, county, district and municipal taxes and superior in dignity to all other liens, titles, and claims. In the event that the Public Utilities Department requires the assistance of the City's Police Department to gain access to the meter, a fee per occurrence will be assessed against the utility account. Such fee will be established by resolution of the City Commission.

[...]

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§ 51.073 READING OF METERS.

(A) Reading of meters shall be made monthly, and if the meter is in good order and has been in good condition since the last previous reading, bills shall be rendered in accordance therewith.

[...]

§ 51.074 TESTING, CHANGING METERS.

(A) The Public Utilities Department reserves the right to routinely test or replace existing meters at any time for any reason.

(B) *Meters under three inches in size.* Should the owner, at any time, question the accuracy of the meter on his or her service, the Department shall, upon his or her written request, remove the meter and test it. If it is determined that the meter is accurate within specifications (98.5% to 101.5% of the actual flow), the City ~~city~~ will charge the customer a service fee to be established by resolution of the City Commission based on meter size.

As a result of the test, if it is determined that the meter is over-registering (>101.5% of the actual flow) or under- registering (<98.5% of the actual flow), the customer will not be charged the service fee to test the meter.

In addition, if it is determined that the meter is registering above 101.5% of the actual flow (over- registering), the customer will receive a credit for the overbilling that is above the 101.5%. If it is determined that the meter is registering below 98.5% of the actual flow (under-registering), the customer will be billed for the additional consumption that is under 98.5%. ~~The city will calculate the credit or charge by determining the adjusted average monthly consumption, then determining the difference between tested consumption and average monthly consumption, then multiplying this difference by the appropriate consumption rate.~~ The City ~~city~~ can bill for past unbilled usage or credit for past overcharges for a period of up to 12 months.

(C) Meters that are three inches or more in size. The Department shall test all meters of three inches or more in size once each year, and the customer shall incur the cost of said test. The Department will notify the customer at least five working days in advance of its intent to test a meter. The Department will test the meter in the field on location. The cost of said test will be established by resolution of the City Commission, and an additional monthly charge ~~per month~~, to be established by resolution of the City Commission, will appear on the customer's bill to pay the cost of the test. If it is determined that the meter is not functioning within acceptable parameters of accuracy, the City ~~city~~ will repair or replace the meter. Additional tests within the same annual period shall be performed upon the written request of the customer at a cost per test to be established by resolution of the City Commission.

(D) The Department reserves the right to remove and test any meter at any time, and if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily. In the event of such a test as last mentioned, the Department further reserves the right to make any correction in the bill rendered based on the last reading of such meter, in accordance with the result of such test.

§ 51.075 DEFECTIVE METERS AND METER TRANSMISSION UNITS.

(A) The quantity of water recorded by the meter shall be conclusive on both the customer and the City ~~city~~ except when the meter has been found to be defective or ceases to register.

(B) In case the meter has been found to be defective or has ceased to register, the amount of usage to be billed for the period that the meter was not functioning properly shall be determined by taking the average monthly usage for the previous 12 months with records of water consumption greater than zero or records of less than 12 months if 12 monthly records are not available. The City can bill for past unbilled usage as herein determined for a period of up to 12 ~~60~~ months.

(C) In the event of a Meter Transmission Unit (MTU) failure, the City will issue estimated bills based on the customer's average water usage over the preceding three months until an accurate meter reading is obtained. Once an accurate meter reading is obtained, the City will reallocate usage and calculate the appropriate rate tier for each billing period for which usage was estimated. Any usage that exceeds the customer's average by 20% or more will be billed at the lowest rate tier for the account type.

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§ 51.141 BILLING ERRORS ON METERED AND UNMETERED SERVICE CHARGES.

When billing errors are discovered through ~~with~~ the exercise of due diligence₁, and the event of error was on the part of the City in the making of any charge or in the amount thereof₁, the City will make the appropriate correction for up to 12 months prior to the date the error was discovered.

§ 51.142 DELINQUENT ACCOUNTS.

[...]

(E) Upon a customer's request to extend payment of a bill, the City ~~city~~ may approve, subject to review of the customer's account history, a payment plan ~~an extended agreement~~ not to exceed 24 ~~12~~ months.

(1) No individual application may be made more than once in any 12-month period. Only one payment plan agreement may be granted at a time. To qualify for an additional payment plan agreement, the prior agreement must be paid in full.

(2) Installment amounts due under the monthly payment plan are payable in full together with full amounts billed for current charges and usage, no later than the due date for the current charges. A down payment of 10% shall be required to enter into a payment plan, unless the Director of Public Utilities or designee approves a higher down payment at the customer's request. If a customer requests a payment plan and/or a rate adjustment under Section 51.075, the Director of Public Utilities or designee may waive the down payment. No interest shall be charged on payment plans related to leak adjustments, defective meters, and failed meter transmission units. Interest may be

charged on accounts that have become delinquent for non payment except when the delinquency is related to leak adjustments, defective meters or failed meter transmission units.

(3) If a customer notifies the City that he or she is seeking a rate adjustment under § 51.039(C), the amount in dispute will be held in abeyance and the customer will be required to pay, for the period of high use not to exceed the maximum adjustment period allowed under § 51.039(C), the average of the amount billed over the prior six months. Said payment(s) shall be due by the normal payment date for each of the monthly billing periods in dispute, or by the next payment due date of record on the account if customer notification is received after the due date of a disputed month.

(4) The final amount due by the customer, as determined by the City, may be paid by way of a monthly payment plan in accordance with the provisions of this Section, or shall be due by the payment due date of the next monthly billing period upon being billed.

(5) No provision herein will abridge the City's right in any way to require payment of any amounts past due, in whole or in part, based on the customer's account history, including occurrences of late payments, service disconnection, returned checks, and meter tampering. The City has the right to approve a monthly ~~a~~ payment plan in an amount less than what is requested by a customer, and the right to deny a monthly payment plan arrangement, based on the account history of the customer.

[...]

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§ 51.145 MONTHLY BILLING.

Consumption will be billed ~~on a monthly basis~~, and the number of days in a monthly billing period may vary ~~between~~ from 28 to 33. Any read not obtainable will be estimated based on historical data from the previous three months if available, or less if three months are not available.

* * *

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES ENTITLED "WATER" TO UPDATE THE CURRENT REGULATIONS RELATING TO ACCOUNTS AND PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE AND A REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE.

Section 4: That if any word, phrase, sentence, clause, paragraph, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect the validity of any remaining portions or affect any other word, phrase, sentence, clause, paragraph, subsection or section of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict or inconsistent are repealed to the extent of such conflict or inconsistency.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption on second reading.

ADVERTISED on _____, 2026.

PASSED on first reading this _____ day of _____, 2026.

PASSED AND ADOPTED on second reading this _____ day of _____, 2026.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DAMARIS HENLON
CITY ATTORNEY