

RESOLUTION NO. 94-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING THE PROCEDURES FOR IMPLEMENTING CREDITS TO SEWER USE BILLS WHEN WATER HAS NOT BEEN DEPOSITED INTO THE CITY OF COCOA BEACH SANITARY SEWER SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, that:

SECTION 1. This Resolution is adopted pursuant to Ordinance No. 1014, and is an amendment to Resolution No. 93-40.

SECTION 2. The procedure for granting credits as set forth in said Ordinance shall be as follows:

WHEREAS, this Resolution can provide a reasonable policy for allowing credit in exceptional cases for sewer charges computed on water which does not enter the sewer system.

WHEREAS, this Resolution can provide a reasonable tradeoff between cost to the City and the amount of the credit due to the consumer.

NOW THEREFORE, BE IT RESOLVED that the City Manager or his designee shall be authorized to provide adjustments to sewer bills resulting from certain water lost through leaks, and pool fills which does not enter the sewer system. The following conditions shall be satisfied for adjustments:

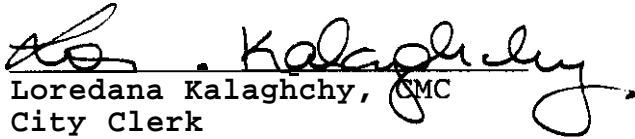
- a) A water consumer, requesting a sewer credit, has the burden of providing the City of Cocoa Beach with convincing proof of both:
 1. the occurrence of the leak, or pool fill, and the subsequent repair, and
 2. the estimated duration of the leak, or pool fill, and the amount of water lost through the leak, or pool fill.
- b) A consumer requesting a sewer credit will pay a ten dollars (\$10) non-refundable consumer sewer fee when the request is submitted.
- c) For LEAKS: If the duration of the leak and the estimated amount of the water lost through the leak is based solely upon water consumption, as shown by the water bills, the following limitations apply:
 1. A sewer credit for water lost through a leak, will be granted only if the billed rate of consumption of water for a given month exceeds, by at least twenty percent (20%), the average rate of consumption for the eleven (11) months preceding the leak.

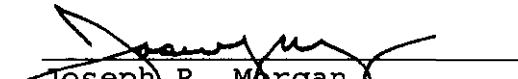
2. The water consumption for which a sewer credit may be issued is the actual water consumption for the given month minus the eleven (11) month average used for comparison.
 3. The nature of the leak actually discovered is consistent with the rate of water loss.
 4. An adjustment to the sewer bill for a leak has not been granted in the previous eleven (11) months.
- d) For POOL FILLS: There will be an allowance for a one-time pool fill during an eleven (11) month period for documented repair and maintenance. If the estimated amount of water used during the fill is based solely upon water consumption, as shown by the water bills, the following limitations apply:
1. A sewer credit for water used through a pool fill, will be granted only if the billed rate of consumption of water, for a given month, exceeds the average rate of consumption for the eleven (11) months preceding the fill.
 2. The water consumption for which a sewer credit may be issued is the actual water consumption for the given month minus the eleven (11) month average used for comparison.
 3. The nature of the pool fill is consistent with the rate of water used.
 4. An adjustment to the sewer bill for a pool fill has not been granted in the previous eleven (11) months.
- e) A standard request form for sewer credit must be in writing, signed by the consumer and notarized. These forms are available in the Utilities Department at City Hall.
- f) The amount of a sewer credit will be the amount of the actual sewer charge, even if the sewer charge rate has increased since the time of the charge.
- g) The account holder shall submit a written request to the City's Utilities Department for sewer charge adjustment within **90** days of the discovery of the leak, or pool fill.
- h) The account holder must establish that the water did not flow through the sanitary sewer system.

Upon Motion by Commissioner Englehart and Seconded by Commissioner Huey this Resolution was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 18th day of August, 1994.

Ayes :	<u>4</u>
Nays :	<u>1</u>
Absent or Abstaining:	<u>0</u>

ATTEST :


Loredana Kalaghchy, CMC
City Clerk


Joseph R. Morgan
Mayor-Commissioner

