1	ORDINANCE NO. 2024					
1 2 3 4 5 6 7 8 9 10 11 12	AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY OF FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," "LAND DEVELOPMENT REGULATIONS, ARTICLE V, "DEVELOPMENT DESIGN STANDARDS," RELATING TO CERTAIN FEES AND CHARGES RELATED TO WATER SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE. WHEREAS, in updating its fees for utility services, the City has also conducted a					
13 14 15	review of its Code related to certain service charges; and WHEREAS, the City has identified provisions related to water service it desires to clarify; and					
16 17	WHEREAS, the Code currently requires property owners to keep the area around a water meter clear and accessible; and					
18 19	WHEREAS, the Code currently allows the City to clear around a meter if it becomes inaccessible; and					
20 21	WHEREAS, the Code does not currently specify that an account holder may be charged for such clearing; and					
22 23 24 25	<b>WHEREAS</b> , the City has recently adopted a fee in its fee schedule for clearing around meters when the property owner has failed to do so and has also incorporated a fee for meter re-reads making the inclusion of the amount of such fee in the Code of Ordinances unnecessary; and					
26 27 28 29 30	<b>WHEREAS</b> , the inclusion of the word "routine" before "pool filling" in the prohibition contained Section 5.03.02 against the City allowing credits for certain usage has caused confusion and the City desires to state simply that credits will not be allowed for pool filling and to state that a one time credit may be applied in the instance of a leak; and					
31 32	<b>WHEREAS,</b> the City Commission finds and determines that adoption of this Ordinance is in the best interest of the residents, businesses, and visitors of Flagler Beach.					
33 34	NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:					
35 36 37 38 39	<ul> <li>SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.</li> <li>SECTION TWO. Article V of the City's Land Development Regulations is amended as follows: (note, <u>underlined</u> text notates additions, strikethrough text notates deletions, and</li> </ul>					
40 41 42	ellipses (***) notate text which remains unchanged and is not reprinted here): * * * Sec. 5.03.42. Access to water meters for city meter readers.					

(a) All owners of real property and/or tenants of real property receiving water
from the city water system and having a water meter located on their property or the city's
right-of-way abutting their property shall be responsible for keeping the area from the edge
of the roadway up to and within a two-foot radius of the water meter free of shrubbery,
plant life, automobiles, fences and other materials which might prevent ready and
convenient access to the water meter by the city meter reader at all times.

51 (b) In the event the owners and/or tenant of such real property fails to comply 52 with subsection (a), hereof, authorized city personnel shall have the right to trim or remove 53 shrubbery and plant life and remove or have removed automobiles and other materials from 54 the area of the water meter so that the meter is readily accessible to the meter reader and is 55 free from obstructions which may prevent him from carrying out his authorized duties.

(c) If the perimeter of a meter is not cleared within thirty (30) days after mailing
of written notice to the account holder by the City that such area has not been maintained
to the standard of paragraph (a), above), the account holder will be subject to a fee for
clearing the area around the meter as specified on the utility billing fee schedule adopted
by the City.

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64 Sec. 5.03.02. Deferment of charges due to broken waterlines, etc.

66 In those instances where customers receive utility service bills which are due and 67 payable, but vary from their normal monthly bill as a result of accidental broken waterlines or other plumbing failure or defects, where the water did not enter the sewer system, the 68 69 city manager may, upon request of the customer, issue a credit for the amount of the sewer 70 flow adjustment. The leak adjustment request must be made on a form approved by the city 71 and include evidence that the leak is now repaired, either by including a paid invoice or a 72 receipt for parts used in the repair. The city will issue no credits for water or sewer charges 73 due to routine pool filling, lawn irrigation, or leaking plumbing fixtures. The city may issue 74 a one-time per calendar year sewer adjustment for a pool fill related to a leak. 75

If any utility customer questions the monthly reading of their meter, upon customer requests, the city will re-read the customer's water meter to verify the existing reading. A ten dollar service charge will be added to the customer's account for this <u>service in</u> accordance with the City's adopted utility fee schedule. In any case, where the initial reading is found to be incorrect, or in cases where there is a documented leak and a sewer credit is issued, this charge will be refunded.

83 SECTION THREE. Codification. It is the intent of the City Commission of the City of
 84 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is
 85 granted broad and liberal authority in codifying the provisions of this Ordinance.

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**Commented [HH1]:** Added the word pool.

87	SECTION FOUR. Conflicts. In any case where a provision of this Ordinance is found to						
88	be in conflict with the provisions of any other ordinance of this City, the conflicting						
89	provisions of the previous ordinance shall be repealed and superseded by this Ordinance.						
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91	SECTION FIVE. Effective dat	e. This	Ordinance shall take ef	fect immediately upon			
92	adoption as provided by the Charte	er of the C	City of Flagler Beach.				
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94	PASSED ON FIRST READING T	HIS	DAY OF	, 2024.			
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96	PASSED AND ADOPTED THIS		DAY OF	, 2024.			
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99		CITY	OF FLAGLER BEACH	I, FLORIDA			
100		CITY	COMMISSION				
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103		Patti K	Ling, Mayor				
104	ATTEST:						
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106		-					
107	Penny Overstreet, City Clerk						
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