

RESOLUTION NO. 56-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CITY RESOLUTION NO. 70-2013 TO ELIMINATE THE RETURN OF UTILITY DEPOSITS TO RESIDENTIAL CUSTOMERS WHO ARE NOT THE PROPERTY OWNER; PROVIDING THAT CONFLICTING RESOLUTIONS ARE REPEALED; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City previously adopted City Resolutions Nos. 1-98; 56-98; 2-2001; 65- 2007; 18-2008; and 70-2013, which established rules governing utility deposits for water, sewer, and electric and other related matters; and

WHEREAS, under City Resolution No. 70-2013, the City returns utility deposits to residential customers after 12 months of good payment history and after 25 months of service; and

WHEREAS, under City Resolution No. 70-213, commercial account deposits are not returned until service is terminated and the final bill has been paid in full; and

WHEREAS, the City is incurring substantial cost for unpaid utility accounts of which 80% is due to residential customers who are not the property owner (i.e., residential tenants);

WHEREAS, unpaid utility accounts incurred by customers who are known residential tenants cannot create a lien on the underlying properties under section 180.135, Florida Statutes; and

WHEREAS, unpaid utility accounts incurred by customers who are the residential property owners create a lien on the underlying properties, which liens remain on the properties until paid in full; and

WHEREAS, the City desires to reduce the unpaid utility accounts and third-party collection efforts by eliminating the return of residential deposits under City Resolution No. 70-2013 to residential tenants; and

WHEREAS, the City finds amending City Resolution No. 70-2013 related to utility deposits is in the best interests of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Amendment. City Resolution No. 70-2013 is amended as follows (deleted text is repealed and underlined text is added):

Section 4. Refund of Residential Service Deposits.

- (A) If an account is in the name of the property owner, the Residential service deposits shall be refunded to the property owner depositor(s) after a continuous service period of twenty-five (25) months provided that the property owner customer has a satisfactory payment record; the property owner customer has not, in the previous twelve (12) months, made more than one (1) late payment of a bill; had a check returned for non-payment of a utility bill; has not engaged in any Illegal Use; left an unpaid balance from a previous account; and, does not have any other indebtedness to the City.
- (B) Refund of a deposit for an active utility account(s) shall be in the form of a credit to the corresponding account(s). Refund of deposit for closed accounts will be in the form of a check payable to the property owner named on the account being closed~~the person or persons who established said utility deposit~~. In the event of a deceased depositor, refund will be to the estate or pursuant to Court order.

Section 3. Conflicts. All resolutions in conflict herewith are hereby repealed.

Section 4. Effective Date. This Resolution shall become effective upon its adoption.

The passage of this resolution was moved by Commissioner _____ and seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy
Commissioner Kim Stokes

The Mayor thereupon declared this resolution duly passed and adopted on this 31st day of August 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk