

## AGENDA ITEM SUMMARY

## Regular [ ]

**Consent** ☒

## Public Hearing [ ]

**Department:** Water Utilities Department

## **I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida revising Chapter 2 of the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP).

**Summary:** The UPAP is a codification of the Department's fees, standards, legal documents, policies and procedures which govern the provision of potable water, wastewater, and reclaimed water services. The Department updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. This update modifies requirements for new customers signing up for service. Currently, all new customers are required to sign up for new service in person at the Department's customer service location. This proposal authorizes the Department to utilize a third party system to verify the identity of new customers. If a new customer's identity can be verified, the customer will be allowed to sign up for new service by telephone. Additional administrative updates are included in the Summary of Proposed Changes (Attachment 3). The Water Utilities Advisory Board reviewed and unanimously approved the changes to the UPAP at their March 27, 2015 meeting. (Finance and Administration) Countywide (MJ)

**Background and Policy Issues:** Since 1981, the Department has utilized the UPAP Manual as the guiding document for providing services to the public. The UPAP is a codification of the Department's rates, fees, policies and procedures, governing the provision of potable water, reclaimed water, and wastewater services. Over the years, various revisions have been made to the UPAP in an effort to update the manual and improve the overall level of service provided by the Department. None of these changes rises to the level of a significant change in Board policy.

**Attachments:**

1. Resolution with Attachment "A" (Black-lined version)
2. Revision version of UPAP recommended for change
3. Summary of Proposed Changes

Recommended By: Jeanette  
Department Director

4-27-15  
Date

Approved By: Sharon G. [Signature]  
Assistant County Administrator

5-5-15  
Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.:      Fund                      Dept                      Unit                      Object

Is Item Included in Current Budget?    Yes            No X

Reporting Category    N/A

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

No Fiscal Impact

C. Department Fiscal Review: Debra Morrist

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Development and Control Comments:

Sheng Bao  
4/28/15 4/28/15 OFMB

Don J. Jacoby 4/29/15  
Contract Development and Control

### B. Legal sufficiency:

LOO 5/5/15  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.

**RESOLUTION NO. R2015-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA REVISING CHAPTER 2  
OF THE WATER UTILITIES DEPARTMENT'S UNIFORM  
POLICIES AND PROCEDURES MANUAL (UPAP).**

**WHEREAS**, the Board of County Commissioners of Palm Beach County Florida, has adopted the "Water Utilities Uniform Policies and Procedures Ordinance", which provides that the Board of County Commissioners may establish, by resolution, a Uniform Policies And Procedures (UPAP) Manual to establish fees, standards, standard legal documents, policies and procedures for the Water Utilities Department (Department); and

**WHEREAS**, the Department has recently completed a review of UPAP; and

**WHEREAS**, the UPAP is a codification of the Department's rates, fees, policies and procedures; and

**WHEREAS**, the Department is proposing various revisions to the UPAP including, but not limited to: modifying the requirements for new customers signing up for service; and updating the fees for tampering in accordance with the Tampering Ordinance; and

**WHEREAS**, the Department is proposing other various revisions to the UPAP including, which are necessary to continue the provision of effective and efficient utility service and to comply with all applicable laws and regulations; and

**WHEREAS**, the Board of County Commissioners of Palm Beach County desires to adopt this Resolution revising the UPAP and deems adoption of same to be in public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

1. The foregoing recitals are true and correct and incorporated as if fully set forth herein.
2. The revisions to the UPAP as set forth in Attachment "A", attached hereto and incorporated herein, are hereby adopted for inclusion in the UPAP.
3. Each and every other term and condition of the UPAP shall remain in full force and effect, and the UPAP is reaffirmed as revised herein.

4. The provisions of this Resolution shall become effective upon adoption.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and on being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Mayor  
Commissioner Mary Lou Berger, Vice Mayor  
Commissioner Hal R. Valeche  
Commissioner Paulette Burdick  
Commissioner Steven L. Abrams  
Commissioner Melissa McKinlay  
Commissioner Priscilla A. Taylor

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

Sharon R. Bock, Clerk and Comptroller

By: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

# UNIFORM POLICIES AND PROCEDURES MANUAL

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## CHAPTER 2 – CUSTOMER SERVICE

### 2.1 CUSTOMER SERVICE POLICIES

#### 2.1.1 APPLICATION

The Fair and Accurate Credit Transactions Act of 2003 requires the Department to obtain positive verifiable identification information from Customers requesting for all new utility service. The Department will only accept telephone orders requests for utility service from current or previous Customers on the condition that the customer provides the Department proper identification (Social Security number, driver's license number, or state identification card number) that matches the previous information in the Customer's record, by telephone when authorized identification is verified. All others will be required to complete the come in-person to the Customer Service Center to complete an application for residential service shown at **(Exhibit "A")** for residential service or for non-residential service **(Exhibit "B")**. Applications are also available at the Department's website, or can be requested by mail or fax. The receipt and deposit of a payment by the County does not constitute a guarantee of service unless all other requirements in this UPAP are met.

#### 2.1.2 SERVICE INITIATION - NEW CUSTOMER EXISTING INSTALLATIONS

Account Deposit and Activation Fee are due prior to initiation of service. Customers not required to pay a Deposit due to good payment history can request the Activation Fee billed. The receipt and deposit of a payment by the County does not constitute a guarantee of service unless all other requirements in this UPAP are met.

Customers may be required to provide proof of ownership or valid lease signed by the owner/registered agent, or to come in-person to the Customer Service Center regarding outstanding charges or suspicious activity.

##### (1) Existing Installations – Previous Customers

Persons requesting Potable Water service, Reclaimed Water service, and/or Wastewater service to a property previously having the service should proceed as follows:

If the previous account is in good standing and the Department has proper personal identifying information, service may be established at another location without the Customer coming into the Customer Service Center. If the account is not in good standing and/or proper identifying information is not available, the Customer may be required to come to the Customer Service Center to establish service at the new location. A current or previous Customer owing any delinquent fees and attempting to open a new account shall pay the fees due prior to the new service initiation. Current and/or previous Customers with a good payment history and proper identification on file may have the Account Deposit, if required, and Account Activation Fee included in the Customer's first bill at the new location.

### (1) Request for Service by Telephone

Individuals or businesses that are able to provide verifiable authorized identification (Social Security number or U.S. drivers license number) and Customers already established with the Department that can verify identification previously on file may establish service by telephone.

### (2) ~~Existing Installations~~ New Customer Request for Service at the Customer Service Center

~~Individuals or businesses which have never had an account with the Department must come into the Customer Service center to open an account. The new account holder will be required to fill out an application, provide proper identification and proof of ownership or valid lease signed by owner/registered agent, of the service location, and pay the applicable Deposit and Account Activation Fee to open the account. A Customer is not responsible for any outstanding fees associated with any different Customer for the same service location. Applications can be downloaded from the Department's website or the Customer may request that the application be mailed or faxed. However, the Department will not accept faxed applications.~~

Individuals or businesses unable to provide verifiable authorized identification by telephone will be required to come in-person to the Customer Service Center to complete an application for new service. Proof of ownership or valid lease signed by owner/registered agent may be required.

Individuals – must provide verifiable authorized identification (U.S. identification with photo, signature, and expiration date).

Businesses – must provide verifiable authorized identification of owner/officer of business. If someone other than the owner/officer is initiating service, a business letter from the owner/officer authorizing service in the business name is also required.

### (3) New Installations:

Persons desiring the provision of Potable Water service, Reclaimed Water service, and/or Wastewater service to a property not previously having the service (or in cases where the service was previously permanently disconnected) should proceed as follows:

- (a) Ascertain from the Department's Engineering Division that there is Potable Water service, Reclaimed Water service and/or Wastewater service available within a reasonable distance to their property and the Department is willing to install the services subject to an installation fee. If the Department refuses to install the service for any reason, the customer may install the necessary improvements at his/her expense, subject to construction plan submittal and approval.
- (b) Apply in person to the Department's Contract Management Section for Potable Water, Reclaimed Water and/or Wastewater service, and pay applicable Service Installation Fees, Connection Fees and Guaranteed Revenue Fees. When a Customer wishes to have a master meter to serve multiple Dwelling Units or buildings located on adjacent or neighboring multiple



parcels owned by the same entity, a Unity of Title document must be properly executed and recorded against the properties prior to receiving service from the Department.

- (c) Meter(s) and Potable Water, Reclaimed Water, and/or Wastewater service lines from the Department's main to the Point of Service will be installed by the Department along a property line at a point determined by the Department.
- (d) In the case of a drop meter, installation will generally occur within two business days of the time of application. Depending upon construction requirements, other installations may take up to two weeks from time of application.
- (e) The Customer is responsible to connect his plumbing to the Point of Service at his cost and to disconnect his well from his Potable Water system (well may be retained for irrigation purposes as long as there is no physical connection to the Department's Potable Water system). The Department must witness the disconnection of the well from the Customer's Potable Water lines. A copy of the Building Department permit to abandon the on-site Wastewater disposal system must be provided to the Department prior to service initiation.
- (f) The Customer is responsible for connecting his irrigation system to the Department's Reclaimed Water service connection at the Point of Service at his cost and to disconnect his current irrigation source.

### **2.1.3 SERVICE CLASSIFICATION**

Service will be classified as Residential-Single-Family, Residential-Multi-Family, Non-Residential, Limited Service or Congregate Living Facility as defined in Chapter 1:

The Single-Family category includes subcategories by meter size with all fees established by meter size. A Single-Family Dwelling Unit may in addition include an attached or detached structure with internal plumbing such as a cabana, guest quarters, accessory building or mother-in-law suite. If the accessory building is on the same lot, and the lot is not sub-dividable, it shall not require a separate meter or the payment of additional Service Initiation Fees. Churches with detached parsonages will require at least one (1) residential (parsonage) and one (1) non-residential (church) meter. No separate residential meter is required if the parsonage is attached to the church building.

Detached structures, such as garages and sheds that have internal plumbing, but cannot be used for dwelling purposes due to subdivision covenants or zoning restrictions, shall not require a separate meter or the payment of additional Service Initiation Fees. However, in no case shall the number of Equivalent Residential Connections (ERCs) applicable to a single parcel served by the Department be less than 1.0. Existing on-line connections categorized as Single-Family or Multi-Family prior to January 1, 2003, shall retain their original designations.

The Multi-Family designation is not divided into subcategories by meter size for monthly billing purposes, and Base Facility Fees are determined by utilizing 1.0 ERC per Dwelling Unit. Connection Fees and Guaranteed Revenue Fees are determined by utilizing 0.7 ERCs per

Dwelling Unit, except for Limited Service Multi-Family Residential Dwelling Units and Congregate Living Facilities per bed. For the purpose of calculating Commodity Fees, the upper limit of each rate block is multiplied by the number of units serviced by the meter to determine the rate charged at each level of consumption.

For Non-Residential connections, all fees other than Commodity Fees are determined by meter size.

Potable Water and/or Wastewater service shall not be provided to any Dwelling Unit or for Non-Residential use unless all such Dwelling Units and/or Non-Residential Uses on the same parcel receive Potable Water/ Wastewater service from the Department.

#### **2.1.4 WITHHOLDING OF SERVICE**

Except as may be otherwise provided by law, the Department may withhold or discontinue service until all past-due amounts, Past-Due Fees and Account Reactivation Fees and unpaid liens which are owed and unpaid to the Department have been paid in full. In the event the Department discovers private facilities adversely affecting the Department facilities, service may also be withheld until such situation is corrected. In general, and unless otherwise stated herein, ten (10) days notification of proposed termination will be provided to allow the Customer adequate time to respond and correct such deficiency unless more immediate action is justified in the interest of public health, safety or welfare.

#### **2.1.5 SERVICE REACTIVATION**

Reactivation of service to a Customer will be completed within one business day after satisfaction of all past-due amounts and reactivation fees which are owing and unpaid to the Department at that service address. Irrespective of this, Service Reactivation may be performed on a "promise to pay" basis as long as said payment of the past due amount is made within five business days. If said promise to pay is broken or the payment is dishonored by the bank, an additional Account Reactivation Fee and all past-due amounts and Past-Due Fees shall be paid in cash or by certified funds prior to reactivation. Customer Service representatives perform scheduled turn-ons until 9:00 p.m. each business day. Customers that make payment arrangements by 6:00 p.m. will be reactivated within one business day. Customers that make payment arrangements after 6:00 p.m. will be charged the highest Re-Activation Fee if turn-on service is performed that same evening.

#### **2.1.6 BASE FACILITY AND CUSTOMER ACCOUNT FEES**

Upon Service Activation, the Customer will be billed and is obligated to pay minimum monthly fees for service availability, whether or not consumption has occurred. The minimum monthly fees, identified as Base Facility Fees and Customer Account Fees, are necessary to recover the ongoing expenses required to keep service available to the Property. Accordingly, upon discontinuance of service to a Property, these minimum monthly fees will continue to accrue (excludes permanent disconnects). Failure to pay these fees within sixty (60) days may result in a Claim of Lien being filed on the Property in accordance with the provisions of this Chapter. The Department will endeavor to provide service in perpetuity as long as the Customer adheres

to the rules stated herein and as may be revised, and maintains his billing account in a current paid status.

#### **2.1.7 LIMITATION OF USE**

Utility service purchased from the Department shall be used by the Customer only, and the Customer shall not sell or otherwise dispose of such service supplied by the Department. In no case shall Customer, except with the written consent of the Department, extend piping across a street, alley, lane, court, property line, avenue or other way, in order to furnish utilities service for adjacent property, even if such adjacent property is owned by him (in these cases, a properly executed and recorded Unity of Title will be required).

A Customer receiving Potable Water service from the Department:

- Shall restrict the use of a private well to landscape irrigation only (subject to the County Reclaimed Water Ordinance).
- Shall not interconnect the Potable Water plumbing system with any other water supply system, Wastewater system, Reclaimed Water system, or other system which has the potential to contaminate the County's Potable Water system.
- A Customer receiving Wastewater service from the Department shall not interconnect his/her internal Wastewater plumbing system with any other private water supply system (i.e., private irrigation well, storm drainage system, Reclaimed Water system).

In case of such unauthorized extension, re-metering, sale or disposition of service, said Customer's service is subject to immediate discontinuance and the provisions of Section 2.1.18.

#### **2.1.8 CONTINUITY OF SERVICE**

The Department will at all times use reasonable diligence to provide continuous service, and having used reasonable diligence, shall not be liable to the Customer for failure or interruption of continuous Potable Water, Reclaimed Water and/or Wastewater service. The Department shall not be liable for any act or omission caused directly or indirectly by labor troubles, accidents, litigation, breakdowns, shutdowns, repairs, adjustments, acts of sabotage, wars, Federal, State, Municipal or other Governmental legislation, regulation or other interference, acts of God or other causes beyond its control.

#### **2.1.9 CHANGE OF CUSTOMER'S INSTALLATION**

Changes to the Customer's service installation will be made when deemed necessary by the Department at the Department's expense. If requested by the Customer, or if a Customer's service installation needs to be moved due to Customer's construction (i.e., driveway), said changes will be at Customer's sole cost and expense and will be charged "At Cost."

If the change is requested to replace an inadequate or oversized meter or service line, the Department will have such proper sizes installed. Costs for such installation will be borne by the Customer "At Cost."

#### **2.1.10 INDEMNIFICATION**

Under certain circumstances, field conditions may require the Customer to place facilities, structures, landscaping and/or other encroachments over, upon or across utility easements, rights-of-way or other access facilities or to seek a modification from the County's standard easement requirements. In consideration of a Customer's encroachment existing or continuing within a utility easement and to induce the County to allow such encroachment or to modify standard easement requirements, the Customer shall agree to indemnify and hold the County harmless from any and all damage, including but not limited to, total destruction of such encroachment that may result from the County's use of any utility easement or right-of-way. Such indemnification shall be in the form as set forth in the Indemnity Agreement, Chapter 3, Exhibit Listing, unless modified by the County, and shall be recorded in the Public Records of Palm Beach County as authorized in Subsection 2.1.15 herein. The County Administrator or designee shall have the authority to execute Indemnity Agreements hereunder on behalf of the County. (Resolution R-95-1101).

#### **2.1.11 INSPECTION/ACCESS TO CUSTOMER'S PREMISES & INSTALLATIONS**

- (1) All Customer's service installations or changes may be inspected by the Department, at the Department's sole option, upon completion of the work to insure that Customer's piping and equipment have been installed in accordance with accepted standard utility practices. Where other governmental inspection is required by local rules or codes, the Department cannot render service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Department.
- (2) The duly authorized agents of the Department shall have access at all reasonable hours to the premises of the Customer for the purpose of installing, maintaining, repairing and inspecting or removing Department's property, reading meters and other purposes incident to performance under or termination of the Department's agreement with the Customer, and in such performance shall not be liable for trespass. In certain circumstances where it is necessary to repair or service property owned by the Customer, the Customer shall be asked to sign the release shown in "Exhibit C".
- (3) For Pretreatment and/or Cross Connection inspection and access requirements, please see Chapters 5 and 7, respectively.

#### **2.1.12 LIABILITIES**

The Customer is responsible to properly protect the Department's facilities serving the Customer's premises, and shall permit no one but the Department's personnel or agents, or person(s) authorized by law, to have access to these facilities. In the event of any loss, or damage to property of the Department caused by carelessness, neglect, abuse or misuse on the part of the Customer, the cost of making good such loss or repairing such damage shall be assessed to the Customer "At Cost."

### **2.1.13 POTABLE WATER, RECLAIMED WATER AND/OR WASTEWATER SERVICE AVAILABILITY PER REGULATION**

Whenever Potable Water, Reclaimed Water, and/or Wastewater service is available to a property, the property owner shall connect all available services to the property if required by local, state or federal regulation.

### **2.1.14 RECLAIMED WATER AVAILABILITY**

Reclaimed water service is available in certain areas of the Department's ultimate service area to promote water conservation and to avoid the use of Potable Water for irrigation purposes in accordance with the Palm Beach County Reclaimed Water Ordinance.

#### **(1) Mandatory Use of Reclaimed Water:**

The use of Reclaimed Water for irrigation is mandatory for any new Development within the Mandatory Reclaimed Water Service Area ("MRWSA") as defined in the Palm Beach County Reclaimed Water Ordinance. The Property Owner of said new Development shall construct, connect to, and use Reclaimed Water as set forth in said Ordinance, this UPAP, and the Standard Reclaimed Water Development Agreement ("SRWDA").

#### **(2) Mandatory Use Within 300 Feet of Main:**

The use of Reclaimed Water for irrigation is mandatory for all new Development upon all or any portion of property located outside the MRWSA but within 300 feet of a Reclaimed Water Distribution Main. Phasing of a development to avoid this requirement will not be allowed. The Property Owner of said new Development shall construct, connect to, and use Reclaimed Water as set forth in said Ordinance, this UPAP, and the SRWDA.

#### **(3) Voluntary Use of Reclaimed Water:**

Properties outside the MRWSA, and not currently within 300 feet of a Reclaimed Water Distribution Main, are encouraged to and may connect to the Reclaimed Water Distribution System upon approval of the Department, and shall construct, connect to, and use Reclaimed Water as set forth in said Ordinance, this UPAP, and the SRWDA.

### **2.1.15 RECORDING**

By adoption of this Uniform Policies and Procedures Manual (UPAP), the Board of County Commissioners specifically authorizes the Department to record, and the Clerk of Courts to accept for recording, all easements, rights, indemnities, deeds, liens, maintenance agreements, Unity of Title or permits granted, acquired, or authorized pursuant to the provisions of this manual.

## **2.1.16 RIGHTS-OF-WAY OR EASEMENTS**

The Customer shall grant or cause to be granted to the County, and without cost to the County, any rights or easements or permits which are necessary for rendering service to or through the Customer's property. Should the Customer receive service without delivering the County a recorded easement, the Customer shall, upon request, provide the County with an easement at no cost to the County in a form acceptable to the County, and the easement shall be recorded in the Public Records of Palm Beach County.

## **2.1.17 WASTEWATER BACKUP**

Most Wastewater backups are caused by plugging of the Customer's service line by deleterious objects such as tree roots which have grown into the service line. The following procedures will apply:

- (1) ~~The Department will respond and investigate the cause of the backup, clearing the Department's Wastewater line obstructions, if any, up to the Point of Service.~~
- (2) If the Department's Wastewater line is clear, the Department will so advise the Customer, and the Customer will be responsible for any work required on the Customer's side of the Point of Service.

## **2.1.18 UNAUTHORIZED CONNECTION, USE, OR TAMPERING**

The unauthorized connection to, use of, or tampering with the Utility's water, wastewater, or reclaimed water system shall be punished in accordance with the Palm Beach County Water Utilities Tampering Ordinance, set forth at Section 27-201, *et seq.*, to the Palm Beach County Code."

## **2.2 BILLING**

### **2.2.1 ACCOUNT DEPOSITS**

#### **(1) Account Deposit Policy**

~~All customers shall be required to remit an Account Deposit with the County. Each new Customer, unless specifically exempted below, shall be required to place on deposit with the County an Account Deposit. A customer must be in good standing with all existing accounts in order for the deposit to be waived when trying to initiate new service. The Account Deposit is intended as security for payment of any bill and is refundable to the Customer, less final fees, as stated herein. Payment of a Deposit does not prevent the County from discontinuing service for non-payment of a delinquent past due charges balance even though the deposit is sufficient to would cover the indebtedness those charges. A customer must be in good standing with all existing accounts in order for the deposit to be waived when trying to open an additional account.~~

(2) Residential Account Deposit Requirement:

- (a) An Account Deposit shall be required for each Dwelling Unit. Owners of Multi-Family units utilizing a master meter shall pay the account deposit for a 5/8" x 3/4" meter times the number of Dwelling Units. Single-Family residential Customers utilizing an over-size meter shall be required to place an Account Deposit based upon meter size.
- (b) For residential developments or associations using master meters, if the Account Deposit is at least \$2,500, said deposit may be paid in the form of a clean, irrevocable letter of credit, valid for a period of 24 months, drawn on a bank in favor of the Department. If at any time the Account Deposit due the Department exceeds the face value of the letter of credit, the letter shall be amended to an amount not less than the deposits due. Such letter of credit must be renewed annually for a like period at least 30 days prior to expiration until such time as the Deposit refund requirements are met. No interest will be paid on a letter of credit, but the Department will release the letter under the same criteria as listed in the Account Deposit refund.

(3) Non-Residential Account Deposit Requirement:

The amount of the Account Deposit shall be based upon meter size. Deposits on hydrant meters must be paid prior to issuing the meter.

(4) Existing Account Deposits:

In the event of an increase in the Account Deposit requirements, existing Customers shall not be required to increase their account deposit unless the account has been finalized and the account deposit used, in part or in full, for the satisfaction of outstanding amounts due.

(5) Exceptions:

Agencies of the federal, state or local government are exempt from account deposits. Charitable and quasi-governmental agencies are required to have an account deposit.

(6) No Interest on Deposits:

No interest will be paid on Account Deposits. Interest earned on these deposits will be utilized to offset ongoing expenses associated with meter reading, billing, Customer service, and collection of fees.

(7) Deposit Refund:

The Department will, at the end of twenty-four (24) months of good account history, credit the Account Deposit to the respective account or release a letter of credit. Good account history is defined as:

- a. Not more than one past due notice in any 24 month period.

- b. No involuntary discontinuance of service in any 24 month period.
- c. No uncollectible items in any 24 month period.

The Department reserves the right to reinstate the Account Deposit requirement if the Customer does not continue to meet the GMC (good month calculation) requirements. In addition, the Department may require an Account Deposit equal to 150% of the Account Deposit required in Chapter 6 of this UPAP for Customers who have had their service terminated twice for non-payment in any twelve-month period and require that the Account Deposit be paid before service is restored.

#### **(8) Account Deposit Transfer:**

An Account Deposit can be transferred for the same customer to a new address if they have not met the requirements for a good standing account. The customer is required to pay the account balance and the account activation fee before the transfer is permitted. The final bill will be transferred to the new account thirty days after the final bill has been generated. In the event a Customer with good account history, as defined above, moves from one service location to another within the Department's service area, a new Customer Deposit will not be required.

### **2.2.2 TRANSFER OF SERVICE**

Utility Service may be transferred from one Customer to another upon the oral or written request of either the outgoing or incoming Customer. In the absence of a request for transfer of service, the water service will be locked off on the date requested by the outgoing Customer. In the event the new occupant information is not provided to the Department, the Property Owner shall be deemed the new Customer for purposes of billing by the Department. Base Facility Fees and Customer Account Fees will continue to accrue and become the responsibility of and be billed to the Property Owner. An Account Reactivation Fee will be billed when said service is reactivated and the meter is unlocked.

The Department reserves the right to obtain occupant and/or owner information from either the Property Appraiser's file or other sources for the purpose of complying with the billing requirements of Section 2.1.6. The date of account transfer will be the date of ownership, occupancy, or vacancy change as determined by the Department through such sources.

An existing account may not be transferred from one customer to another, except in the case of a deceased account holder. A copy of the death certificate and identification is required to transfer the account into the name of the spouse/widow/widower. A copy of the marriage certificate is also required in instances where the spouse/widow/widower's surname is different.

### **2.2.3 TRANSFER OF BALANCE**

The Department will transfer an outstanding balance from a closed account to a customer's active account, and this outstanding balance will become due on the next month's billing along with their current charges, provided that the outstanding balance is not delinquent.



## 2.2.4 RENTAL PROPERTY

A tenant may establish service in his own name; ~~or upon receipt of a notarized authorization from the landlord, property manager, and/or Property Owner, the account may remain in the landlord, property manager and/or Property Owner's name.~~ If the lease or tenant notification of the rental is not presented in a timely manner and the service is already on in the owner's name, the owner is responsible for payment of all charges up to the date the lease or notification is presented. The landlord must pay all fees due while the account was in their name before an account will be opened in a tenant's name. Service will not be established in a tenant's name if a Deferred Payment Plan associated with the service connection is delinquent. ~~The authorization must state that the landlord, property manager, and/or Property Owner understands and accepts responsibility for payment for all services rendered and for any unpaid balance(s) incurred by the tenant.~~

Upon termination of service, the tenant shall provide a forwarding address as well as the name of the landlord, property manager, and/or Property Owner. Property Owners of vacant rental property are responsible for all fees associated with the service address during periods of vacancy including Customer Account Fees and Base Facility Fees until the property is sold, rented, or permanently disconnected. Owner/tenant agreements do not excuse the Property Owner from paying Base Facility Fees, Customer Account Fees, and Commodity Fees when the tenant vacates the property before the lease expiration date. After 60 days, when there has been no usage and the service has been disconnected for non-payment, the service will be put back into the Property Owner's name: for payment of base facility fees

If property is tenant occupied with a valid lease and the account is current, it is illegal for the property owner to request that we turnoff services to the tenant.

## 2.2.5 MOBILE HOMES

Where service is being provided to a leased lot in a mobile home park, the owner of the mobile home is responsible for the monthly billing, including the Customer Account Fees and Base Facility Fees, for fees incurred while the mobile home is present on the lot and/or the mobile home owner continues to pay lot rental. However, If the service has been disconnected for at least 60 days, an account will be opened in the Property Owner's name for payment of Base Facility Fees.

## 2.2.6 BILLING CYCLE

Each customer shall be billed twelve times per year, with a billing cycle consisting of approximately one month dependent upon weather, holidays, access to meters, work force availability, etc. All meters will be read on a monthly basis with billing performed on a monthly basis. A separate monthly bill will be generated for each installed meter, and master meters will not be sub-billed.

A utility bill will be mailed to the Customer approximately every month. The Department must receive payment by the bill due date to insure proper credit to the account prior to the next bill. Non-payment prior to the beginning of the next billing period shall result in the unpaid amount being carried forward as a past-due balance. Bills will be rendered monthly and shall be considered

as received by the Customer when mailed to their service or mailing address, as requested by the Customer. Non-receipt of bills by the Customer does not release nor diminish the obligation of the Customer with respect to payment thereof. Transactions received after 1:45 p.m. are considered as having been received the next business day.

All accounts that have not been permanently disconnected shall be billed Customer Account and Base Facility Fees on a monthly basis, irrespective of actual usage, to compensate the Department for the fixed and non-variable costs of operating the Utility.

### **2.2.7 DELINQUENT ACCOUNTS**

A Customer who has not paid in full any month's bill, and whose subsequent month's bill shows a past-due balance, is considered delinquent and will incur Past-Due Fees (**See Chapter 6**). Upon the Customer's request, the Department may administratively waive one Past-Due Fee during any twelve-month period for any one Customer Account. Payment of the total past due balance plus accrued Past-Due fees must be received at the Department's office within fourteen (14) calendar days of the statement date shown on the Customer's Utility bill or service will be scheduled for disconnect and a \$35 delinquent fee will be charged if the past due balance is \$35 or greater. Restoration of service to a Customer following service disconnection may be completed within one business day after satisfaction of the past-due balance at that service address by that Customer. The Department may also restore service on an oral or written "Promise to Pay" basis. If the Customer fails to deliver funds on a "Promise to Pay" within five business days, said service will be disconnected and the Customer will not be eligible for an additional "Promise to Pay" for 12 months.

If not paid within an additional five (5) days, service will be disconnected and will not be restored until the past due balance plus Past Due Fees and Account Reactivation Fees are paid. Any Account Deposit will be applied to the past due bill prior to sending the account to a collection agency.

Should Wastewater only service need to be disconnected due to the Customer's non-payment, the Department will make such disconnection on the Department's side of the Point of Service. Reconnection to the system will require pre-payment for the estimate of all costs to be incurred ("At Cost" basis). This section is in addition to all rights of termination provided to the Department under Section 153.12(2)(b), Florida Statutes. Any subsequent service to the same service address for a different Customer will be considered a new account and all appropriate fees will apply. The Department will pursue any reasonable and necessary credit and collection procedures as a result of the Customer's non-payment of the account balance, including utilization of Credit Bureau services and credit and collection agencies, and the imposition of a lien on the Customer's Property.

Pursuant to the provisions of Florida Statutes Section 125.485, as may be amended from time to time, the Department shall not refuse services, or discontinue Potable Water, Reclaimed Water or Wastewater services to the owner of any rental unit or to a tenant or prospective tenant of such rental unit for non-payment of service fees incurred by a former tenant of the rental unit; and any unpaid service charges incurred by a former tenant shall not be the basis for any lien against the

rental property except to the extent that the present tenant or owner has benefited directly from the service provided to the former occupant. This paragraph applies only when the former occupant of the rental unit contracted for such services with the Department.

#### **2.2.8 DISHONORED PAYMENTS**

When the Department receives notice of a dishonored payment (includes electronic payments), the transaction will be reversed and a Dishonored Payment Fee, a past due fee, and accrued interest will be applied to the Customer's account. Utility services may be disconnected without notice. If a Customer has more than one (1) dishonored payment in any previous twenty-four (24) month period ~~or the initial security deposit payment is dishonored~~, the Customer will be required to make subsequent payments in cash, money order, bank draft, certified funds or credit card for a period of not less than ~~twenty-four (24)~~ twelve (12) months. At that this time, ~~if a (GMC) has been maintained~~, all other types of payment privileges will be reinstated.

#### **2.2.9 PARTIAL PAYMENTS**

Payments received for monthly Customer billings shall be applied by the Department in the following manner: (1) Deferred Payment Plan (2) Wastewater service (3) Reclaimed Water service (4) Potable Water service. When payment has not been received in full, service may be refused and/or disconnected. Service will not be reactivated on the basis of partial payment when service has been disconnected unless arrangements have been made with the Department in advance.

#### **2.2.10 SERVICE INTERRUPTION LIABILITY**

There shall be no liability of any kind against the Department for service interruption or disconnection due to the Customer's failure to pay any bill in full and on time.

#### **2.2.11 ADMINISTRATIVE HEARINGS**

- (1) Administrative Hearing Board. The Water Utilities Administrative Hearing Board ("AHB") was established by the Water Utilities Uniform Policies and Procedures Ordinance. The AHB has the power to hear and review disputes relating to the correctness of utility bills, the imposition of utility fees as outlined in Chapter 6 of this UPAP, and challenges to termination of service.
- (2) Composition. The AHB shall be composed of three (3) members. Two (2) members shall be designated or appointed by the members of the Palm Beach County Water Utilities Advisory Board from its membership, one (1) of whom shall be designated as Chair of the AHB. One (1) member shall be the Director of the Financial Management and Budget Department or his designee. The Director of the Water Utilities Department may designate or appoint a Department staff member to serve as an alternate member of the AHB. The alternate member shall vote only in the absence of a regular member.

(3) Standard of Review. The Customer/applicant shall have the burden of providing evidence that he or she is entitled to relief. The AHB shall have no authority to alter the utility fees approved by the Board of County Commissioners.

(4) Procedure to Request Hearings.

(a) A Customer may request a hearing before the AHB within five (5) business days of service disconnection or within six (6) months of the due date of the contested bill. The Administrative Hearing Fee must be paid to the Department within fifteen (15) business days. Disputed charges are limited to a one-time protection of the account from turn-off for delinquency. However, failure to pay the required fee within fifteen (15) days will result in disputed charges becoming due and payable. If the hearing requirements are not met, the Customer may still request subsequent hearings for the same charges; however, the Customer will be responsible for the payment of the disputed charges to avoid service disconnection until a final decision is rendered by the AHB.

(b) Upon receipt of the request for hearing, the Department shall set a time, date, and place for the hearing. The Department will schedule the hearings during the normal Business Hours of the Department. The Department will provide an agenda for the Board's consideration. Department staff will pre-screen the scheduled cases and prepare information packets that include facts and recommendations upon which the AHB may make its decision. The staff report shall be incorporated into the record of the hearing. The AHB may consider any type of billing dispute where the Customer is not satisfied with the Department's resolution allowed by the UPAP. The Department shall provide the Customer written notice of the time, date and place of the hearing by certified mail, return receipt requested, no later than ten (10) days prior to the date of the hearing. Failure of the Customer to appear at a duly noticed hearing shall be deemed a waiver of the right to a hearing and the case shall be dismissed by the AHB unless appropriate documentation is provided to explain the reason for not attending and a new hearing request is made within forty-eight (48) hours of the originally scheduled hearing. In the event the Customer is unable to attend the hearing in person, the Customer may request that his case be heard by telephone or submit a signed statement and provide documentary evidence prior to the hearing which shall be considered by the AHB in reaching its decision. The Customer shall also be entitled to one (1) hearing postponement if the Customer submits a request for postponement in writing or verbally to the Department forty-eight (48) hours prior to the hearing.

(5) Conduct of Hearings

(a) Order of Hearings.

- (1) The Department may schedule multiple cases to be heard by the AHB on the same day.
- (2) All persons who will be giving testimony at the hearing, including the Customer and Department staff, shall be sworn.
- (3) The Chair of the AHB may introduce the AHB members and provide a brief background of the hearing process at the beginning of the meeting.
- (4) The Customer shall present his case, which may include submission of evidence and testimony of witnesses.
- (5) The Department staff shall present the Department's case.
- (6) Cross-examination of witnesses.
- (7) Discussion/question and answer period.
- (8) Deliberation and formal determination.

(b) Record of Proceedings. Hearings shall be tape recorded by the Department. All evidence admitted at the hearing and the written decision of the AHB shall be maintained by the Department in a separate file constituting the record of the case.

(c) Rules of Evidence. The formal rules of evidence do not apply, but fundamental due process shall be observed. The Chair of the AHB may exclude testimony or evidence that he or she finds to be irrelevant, immaterial, or unduly repetitious, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in trial in the courts of Florida.

(d) Cross-examination. The AHB may inquire of or question any witness present at the hearing. The Customer and Department staff shall also be permitted to inquire of or question any witness present at the hearing.

(e) Decision of the AHB. The AHB shall orally render its decision based on the testimony and evidence presented at the hearing at the conclusion of the hearing. The Board's objective is to resolve each dispute by rendering a decision which is just and equitable to both the Customer and the Department. The AHB may apply the Excessive Usage Credit, as defined in Section 2.2.14 herein, to eligible Customers. High utility bills which result from an apparent or deliberate act of the Customer shall not be considered grounds for relief. In addition, an inability or unwillingness to pay as a consequence of permanent or temporary financial hardship of the Customer shall not be considered grounds for the reduction of a utility bill or fee; however, the AHB may establish a payment plan which provides for required payments on an interest-free basis for a period up to three (3) years. The written decision of the AHB shall be mailed to the Customer within thirty (30) calendar days of the hearing.

(f) Final Action. The decision of the AHB shall constitute the final decision of the Department and the County.

- (6) Open Deliberations. Hearings before the AHB are public meetings and shall be open to the public at all times. The AHB shall conduct its deliberations and vote on all matters before it at the public meeting.
- (7) Ex Parte Communications. An ex parte communication is any written or oral communication with an AHB member other than one made on the record at the time of the hearing. AHB members should not engage in ex parte communications regarding any issue which may be heard by the AHB. If a written communication is received by an AHB member concerning an application or a pending case, the communication shall be disclosed and made part of the record prior to the final action on the matter.
- (8) Appeal. Any aggrieved party, including Palm Beach County, may appeal a decision of the AHB within thirty (30) days of the execution of the written order/decision of the AHB by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

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### **2.2.12 ADJUSTMENT OF BILL FOR METER ERROR**

A Customer may request a meter calibration subject to the fees outlined in Chapter 6. In meter tests made by the Department, the accuracy of the meter and its performance in service shall be judged by its average error rate. The average meter error shall be considered to be the over all average test rate flows for low, medium and high flows in accordance with the American Waterworks Association (AWWA) Standards.

Fast Meter - Whenever a meter tested is found to register fast in excess of the tolerance provided in the AWWA standards, the Department shall credit the Customer's account in the amount billed in error for the period since the last test; said period not to exceed six (6) months except that if it can be shown that error was due to some cause, the date of which can be fixed. The overcharge shall be computed back to but not beyond such date. The credit shall be exclusive of any minimum fee.

Slow meter - Whenever a meter tested is found to register slow in excess of the tolerance provided in the AWWA standards, the Department will not back bill the Customer for the lost revenue unless it can shown that the Customer tampered with the water meter.

Non-Registering Meter - In the event of a non-registering meter, the Customer may be billed on an estimated basis on similar usage.

### **2.2.13 ADJUSTMENT OF BILL FOR BILLING ERROR**

The Department will provide Customer account adjustments for the services which were billed but were not provided to the Customer. Said account adjustments will not exceed three (3) years and will be further limited to the current Customer's account.

The Department will also provide Customer account adjustments for services which were provided but were not billed to the Customer. Said account adjustments will not exceed three (3) years except for unauthorized connection, use, or tampering by the Customer. In instances where the

Department finds cause, said account adjustments will be made from the date the services were first provided but not billed. In either event, the account adjustments will be limited to the current Customer's account.

#### **2.2.14 ADJUSTMENT OF BILL FOR LEAKS AT THE METER**

The Customer shall not be responsible for leaks at or within three feet of the meter box if the meter has been changed out or repaired by the Department within the preceding three months and the cause of the leak cannot reasonably be attributed to actions by the Customer.

#### **2.2.15 ADJUSTMENT FOR DAMAGE DUE TO ACTS OF NATURE**

The Department will credit the customer for high usage using the same calculation method as an Excessive Usage Credit (EUC) as described in Section 2.2.16 if the customer can provide documentation such as a copy of the insurance claim for water damage caused by a broken line, pictures of an uprooted tree, etc., resulting from acts of nature. This does not include broken lines as a result of root intrusion.

#### **2.2.16 EXCESSIVE USAGE CREDIT (EUC)**

To avoid the time and expense of an administrative hearing regarding a disputed abnormally high utility bill, an Excessive Usage Credit is provided by the Department at the Customer's request for Customers meeting the following criteria:

- (1) The abnormally high usage for any one monthly reading cycle where the actual meter reading is four times the average monthly usage for the past twelve months for the Customer at the specific service location (or in the event the service location has less than twelve months' usage history, the average Department-wide usage for the same customer classification); and
- (2) The total usage during the monthly reading cycle on the Customer's billing in question exceeds 10,000 gallons; and
- (3) The abnormally high usage is not the result of an apparent or deliberate act of the Customer such as pool filling, frequent use of sprinklers, or hoses left running; and
- (4) The EUC is limited to one time within a three-year period on a specific account.
- (5) The billing in question has occurred within the past six months.

The EUC for residential and non-residential Customers will be applied to all water Commodity charges over the Customer's average usage. The Customer is responsible for paying the full cost of his average usage plus the lowest tiered rate for any additional gallons above his average use. The lowest tiered rate represents the minimum cost of treating Potable Water. In the event a Customer has a subsequent high bill within the same three-year period, at the Department's discretion, the initial EUC may be reversed and substituted with the subsequent EUC.

#### **2.2.17 PAYMENT PLANS**

The Department may provide the Customer the opportunity for a payment plan in extreme events where the Customer does not have a EUC available or an applied EUC still leaves a significant

balance due. The Customer's account must otherwise be in good standing, the payment plan shall not exceed six (6) months, and failure to pay in accordance with the plan will result in the balance being due in full.

#### **2.2.18 ADMINISTRATIVE CREDITS**

At the discretion of the Department Director, Deputy Department Director, or Finance & Administration Director, credits may be applied to accounts based on unusual and extenuating circumstances which shall be explained in the account comments.

#### **2.2.19 TEMPORARY DISCONNECT**

A temporary disconnect will be honored if the Customer so requests, but said Customer will be billed and must pay monthly Customer Account and Base Facility Fees. In addition, an Account Reactivation Fee will be assessed when full service is restored.

#### **2.2.20 PERMANENT DISCONNECT**

A contractual relationship is understood to exist wherein the Department is required to provide, operate and maintain the extensive facilities to serve the Customer, on demand, and the Customer, in turn, is required to pay certain initial fees and minimum monthly fees to help maintain a viable Potable Water, Reclaimed Water and/or Wastewater system. A Property Owner may elect to relinquish this right to such capacity/service by releasing the Department from its obligation to provide such capacity/service by notifying the Department, in writing utilizing the "Request for Permanent Disconnect Form," (See Exhibit "D") of his intention to permanently disconnect from the Department's System. The "Request for Permanent Disconnect" must be accompanied with proof that there is no longer a dwelling or other structure with a kitchen or bathroom on the property. The original signed form will be recorded against the property to alert future purchasers of the property that service will not be available to the property until service initiation fees have been paid. At the Department's discretion, service may be reactivated by paying previously unpaid Base Facility Fees if such payment is less than the service initiation fees that might be otherwise required.

#### **2.2.21 AUTHORITY TO LIEN PROPERTY FOR UNPAID FEES**

Pursuant to Section 125.01, F.S., and subject to the provisions of Section 125.485 F.S., should any fees or rates provided for hereunder, including, but not limited to, Past Due Fees, Commodity Fees, Base Facility Fees, Customer Account Fees and miscellaneous Service Fees not be paid as and when due, and be in default for sixty (60) days or more, the Board of County Commissioners of Palm Beach County may cause a lien for said unpaid amount and subsequent accruing unpaid amounts, including but not limited to interest, attorneys fees and filing fees, to be filed on the parcel of property to which said utility service was provided or made available. The Board of County Commissioners of Palm Beach County hereby delegates the County Attorney or his designee the authority to execute and record a Claim of Lien for Utility Service, related satisfactions, and releases of invalid or inappropriately filed liens in the Office of the Clerk of the Circuit Court for Palm Beach County. Said Claim of Lien for Utility Service shall contain the current amount of



the delinquent fees or rates including monthly Base Facility Fees which continue to accrue in order to maintain service availability to the property; the name of the property owner as indicated by the real property assessment roll maintained by the Property Appraiser of Palm Beach County; and, a legal description of the real property against which the lien is imposed. The lien shall be in substantially the same form as that contained in the Exhibit Listing in Chapter 3 hereof. The lien shall, upon recording, constitute notice to all existing and subsequent parties-in-interest that such fees are due.

#### **2.2.22 STATUS AND ENFORCEMENT OF LIENS**

Any lien filed pursuant to the provisions of this manual shall be considered to the same extent and character as a lien for a special assessment. Until fully paid and discharged, said fees, late fees, and interest accrued thereon shall be, remain, and constitute a special assessment lien equal in rank and dignity with the liens of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved.

Said liens may be enforced and satisfied by the County, on behalf of the Department, pursuant to the foreclosure provisions of Chapter 173, Florida Statutes, as it may be amended from time to time, or by any other method permitted by law. The lien provided for herein shall not be deemed to be in lieu of any other legal remedies for payment available to the County and Department, including but not limited to suspension and termination of water service. Said lien may be foreclosed or otherwise enforced by the County by action or suit in equity as for the foreclosure of a mortgage on real property and shall be considered to the same extent and character as a lien for special assessment.

#### **2.2.23 CROSSED SERVICE LINES/INCORRECT BILLINGS**

In the event that Customers cross Potable Water service lines on private property which leads the Department to obtain incorrect readings, the Department will assume no liability for repaying or collecting monies due from the affected parties. The Department, however, reserves the right to adjust the bills of the affected parties.

#### **2.2.24 FINAL BILLS LESS THAN \$5.00**

Upon termination of service, a final balance of less than or equal to \$5.00 will not be billed to the Customer. Also, any credit balance of less than or equal to \$5.00 will not be refunded unless specifically requested by the Customer.

#### **2.2.25 NON-SERVICE ACCOUNTS/ACCOUNTS IN COLLECTION**

Customer Account Fees shall not be applied to Non-Service Accounts or accounts in collection. Past Due Fees shall be applied to Non-Service Accounts but do not accrue on accounts after they are turned over to the County's collection agency.

All interest and penalty charges allowed by law shall be applied to all overdue debts owed to the County. When an account is turned over to the collection agency, the customer will be responsible for the account balance and all collection fees charged by the collection agency.

## **2.3 METERS**

### **2.3.1 ALL POTABLE WATER AND RECLAIMED WATER THROUGH METERS**

Meters are required on all Potable Water and Reclaimed Water service connections irrespective of the size or nature of service. No property shall have access to or use of Potable or Reclaimed Water without delivery through a meter.

Meter sizes are 5/8" x 3/4", 1", 1 1/2", 2", 3", 4", 6" and larger as necessary. Many of the Department's fees are dependent upon meter size. It is the responsibility of the Customer to select the meter size that is appropriate for his expected demand. The Department will advise Customers regarding meter selection. However, the Department reserves the right to over-rule the Customer's selection if that selection is not compatible with the UPAP and/or reasonable expectations of service demand for the connection. Duplex or similar meter schemes (two one-inch meters in lieu of one two-inch meter) will not be permitted. Differing types of uses (i.e., single family residential, non-residential, multi-family) shall require separate meters. A separate water meter, however, is not required for laundry facilities serving only on-site multi-family tenants through a master-metered connection.

### **2.3.2 METERS - PROPERTY OF DEPARTMENT**

All Potable Water, Reclaimed Water and/or Wastewater meters shall be furnished, installed by and remain the property of the Department, and shall be accessible to and subject to its control. The Customer shall provide meter space to the Department at a suitable and readily accessible location, and when necessary, within or on the premises to be served, with adequate space for installations operation, maintenance and testing.

### **2.3.3 CONNECTIONS TO BE MADE BY DEPARTMENT**

Connections to the Department's Potable Water, Reclaimed Water and/or Wastewater system for any purpose whatsoever are to be made only by employees of or by persons authorized in writing by the Department. Unauthorized connections render the service subject to immediate termination without notice and service will not be restored until such unauthorized connections have been removed and payment is made in full for all service, including appropriate service fees, and all other applicable fees.

### **2.3.4 METER ACCURACY REQUIREMENTS**

All meters used for measuring quantities of Potable Water or Reclaimed Water delivered to or Wastewater received from the Customer are to be in good mechanical condition and are to be appropriate in size and design for the type of service which they measure. Before being installed for the use of any Customer, every water meter, whether new, repaired or removed from service for any

cause, shall be adjusted to register within the accuracy limits as specified in the AWWA standards for that meter. The Potable Water, Reclaimed Water and/or Wastewater service rendered by the Department, as measured by metering devices, shall be prima facie evidence of the quantity of water used by the Customer.

### **2.3.5 INACCESSIBLE OR DAMAGED METERS**

When a meter becomes inaccessible to read/maintain due to a Customer's actions, the Department will advise the Customer in writing (certified mail, return receipt requested) and provide not less than 30 days to allow the Customer to correct the situation. The Department will take action to correct the problem or discontinue service upon failure to comply. All costs accrued for work performed will be charged to the Customer.

### **2.3.6 CONSTRUCTION WATER METERS**

All Potable Water used for construction purposes or any other approved purpose on a project must pass through a meter with an approved backflow prevention device which is installed on a fire hydrant. The Department will install construction meters on specific hydrants and the Customer will be billed for all appropriate fees. Multiple construction meters shall not be installed on adjacent hydrants, ~~and meters shall not remain in service at any one location for more than two years.~~ construction meters may only be moved by Department personnel. Construction meters to be placed on new fire hydrants will not be installed until a "construction only release" is obtained from the County Health Department. The water through construction meters shall be considered non-potable and shall not be used for drinking or consumption purposes. "Construction water" may be used for non-potable applications such as temporary irrigation, testing of internal plumbing systems, flushing toilets in model homes, construction and/or sales trailers. The Developer shall post "Non-Potable Water – Do Not Drink" signs at all water outlets served with construction water. No connection or guaranteed revenue fees are required for construction meters. Construction meters shall be read and billed monthly. It is the responsibility of the Customer to inform the Department when it is necessary to move the construction water meter from its current location. The Department will read each construction water meter on a monthly basis. If the Department cannot locate the construction water meter to read it on a monthly basis because it is not at the intended location, this is considered tampering. The fees for tampering are fifty dollars (\$50.00) for the first occurrence; and \$400.00 for all subsequent occurrences as provided by the Tampering Ordinance (Ordinance 2014-023).

### **2.3.7 PORTABLE METERS**

Portable fire hydrant meters will be provided for County department vehicles only. It is the responsibility of the user department to provide the Department with an initial and annual RPZ test and maintenance report. The user department shall also present to the Department the portable meter for reading on a monthly basis to determine current consumption. If the meter is not brought in for reading or the Department's RPZ requirements are violated, as set forth in this UPAP, the portable meter will be retrieved by the Department and future requests for a portable meter will be denied. The Department will estimate consumption for the months when the meter is not brought in

for a reading and the user department will be billed at the minimum specified estimate for that meter size.

### **2.3.8 POTABLE WATER IRRIGATION AND FOUNTAIN METERS**

If the Customer chooses to irrigate with Potable Water, the Customer may do so through his main source meter and pay all commodity fees as appropriate for usage through that meter. Separate Potable Water meters will be allowed if the Customer's main source meter is not readily accessible to the area being irrigated. If a Customer chooses to install a fountain meter, all current fees will apply at the non-residential, water-only rate. Potable Water shall not be used for irrigation purposes when Reclaimed Water service is available and when connection to the Reclaimed Water distribution system is mandatory except that Potable Water or private well water shall be used for irrigation within 100 feet of the Department's raw water wells since the use of Reclaimed Water immediately adjacent to the Department's raw water wells is prohibited. In such limited cases, no Service Initiation Fees shall be charged, but the Customer shall be responsible for all other rates and fees.

### **2.3.9 SALES TRAILERS/MODELS OR CONSTRUCTION TRAILERS**

The installation of a temporary meter shall be considered on a case by case basis and at the discretion of the Department. Two situations may apply:

(1) Temporary Meter/Temporary Use:

- (a) The applicant shall pay all applicable non-residential fees (Water and Wastewater connection fees, guaranteed revenue and installation fees).
- (b) Prepaid connections shall not be utilized.
- (c) All fees paid are non-refundable.
- (d) Credit for this installation will not be allowed toward other service installations.

Upon termination of temporary use, the meter and box is to be removed, the account closed and the service line deactivated, removed or abandoned in its place as directed by the Department.

(2) Permanent Meter/Temporary Use:

- (a) The applicant shall pay all applicable non-residential fees (Water and Wastewater connection fees, guaranteed revenue and installation fees). Model homes, including those used as sales centers, shall be subject to residential fees.
- (b) Prepaid connections shall be allowed and will be deducted according to anticipated future use. The difference in costs between future use and temporary use shall be paid at service initiation.
- (c) The Customer is responsible for notifying the Department when the use has converted to residential.

All temporary Wastewater service lines shall be removed or abandoned at the discretion of the Department.

The Department may require that construction plans be prepared to reflect all necessary improvements. Plan Review and Inspection fees may apply.

### 2.3.10 FIRE LINE METERS

Payment of fire line service is the responsibility of the "Owner of Record" ; however, service may be put into the name of the tenant if the fire line service is connected exclusively to the leased service location. If the tenant does not pay the bills for the fire line account, potable service will be considered delinquent and service may be discontinued for non-payment until payment is received. If the bill is not paid for the fire line account, potable service will be considered delinquent, and be in default for 60 days or more, and may cause a lien. However, if the service has been delinquent for at least 60 days and has zero usage, an account will be open in the Property Owner's name for payment of the base facility fees.

**EXHIBIT "A"**

**PALM BEACH COUNTY WATER UTILITIES DEPARTMENT  
RESIDENTIAL APPLICATION FOR UTILITY SERVICE**

**THE FOLLOWING INFORMATION IS BEING REQUESTED FOR THE PURPOSE OF  
OPENING AN ACCOUNT TO PROVIDE AND BILL FOR UTILITY SERVICE**

TYPE OF RESIDENCE: House \_\_\_\_\_ Apartment \_\_\_\_\_ Mobile Home \_\_\_\_\_ Condo \_\_\_\_\_

SERVICE ADDRESS: \_\_\_\_\_  
STREET CITY ZIP

APPLICANT'S NAME : \_\_\_\_\_  
THE SECURITY DEPOSIT PLACED ON THIS ACCOUNT WILL BE REFUNDED ONLY TO THE ABOVE APPLICANT.

MAILING ADDRESS : \_\_\_\_\_  
STREET CITY STATE ZIP

DAYTIME PHONE # \_\_\_\_\_ EVENING PHONE # \_\_\_\_\_

EMERGENCY PHONE # \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

SOCIAL SECURITY # \_\_\_\_\_ OR DRIVER'S LICENSE # \_\_\_\_\_

OR STATE ID # \_\_\_\_\_ Passport #/Country \_\_\_\_\_ ARE YOU AN OWNER OR A TENANT?

**PROPERTY OWNER INFORMATION**

PROPERTY OWNER'S NAME: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

OWNER'S PHONE # \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

WHEN DID YOU PURCHASE THIS PROPERTY? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MONTH DAY YEAR

PROPERTY CONTROL # \_\_\_\_\_ SUB-DIVISION: \_\_\_\_\_

**TENANT INFORMATION**

DATE LEASE BEGAN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TERM OF LEASE (LENGTH) \_\_\_\_\_  
MONTH DAY YEAR

I UNDERSTAND THAT I AM FULLY RESPONSIBLE FOR PROMPT PAYMENT OF ALL CHARGES AT THE ABOVE NOTED PROPERTY SERVICE ADDRESS, IN ADDITION TO COLLECTION FEE FOR ANY UNPAID BALANCE. I AGREE TO PAY ABIDE BY FOR PRESENT AND FUTURE RATES, REGULATIONS, POLICIES AND PROCEDURES FOR WATER, WASTEWATER, AND RECLAIMED WATER SERVICES AS ESTABLISHED IN THE UNIFORM POLICIES AND PROCUDURES MANUAL (UPAP) SERVICES PROMPTLY AT THE RATES APPROVED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AND I AGREE TO ABIDE BY PRESENT AND FUTURE REGULATIONS RELATING TO WATER, WASTEWATER, AND/OR RECLAIMED WATER SERVICES AS ESTABLISHED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

**EXHIBIT "B"**

**PALM BEACH COUNTY WATER UTILITIES DEPARTMENT**  
**NON-RESIDENTIAL APPLICATION FOR UTILITY SERVICE**  
**NON-RESIDENTIAL APPLICATION**

**THE FOLLOWING INFORMATION IS BEING REQUESTED FOR THE PURPOSE OF OPENING AN ACCOUNT TO PROVIDE AND BILL FOR UTILITY SERVICE.**

SERVICE ADDRESS: \_\_\_\_\_  
STREET CITY ZIP

NAME OF BUSINESS \_\_\_\_\_ TYPE OF BUSINESS \_\_\_\_\_

*The Security Deposit Placed On This Account Will Be Refunded Only To The Above Applicant.*

BUSINESS OWNER'S NAME: \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_  
STREET CITY STATE ZIP

DAYTIME PHONE # \_\_\_\_\_ EVENING PHONE # \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

FEDERAL TAX I.D. \_\_\_\_\_ STATE TAX I.D. \_\_\_\_\_ OCC. LIC. : \_\_\_\_\_

DO YOU OWN OR LEASE YOUR BUSINESS LOCATION? \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

PROPERTY OWNER'S NAME: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_  
STREET CITY STATE ZIP

OWNER'S PHONE # \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

WHEN DID YOU PURCHASE THIS PROPERTY? \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
MONTH DAY YEAR

PROPERTY CONTROL # \_\_\_\_\_ SUB-DIVISION \_\_\_\_\_

**TENANT INFORMATION**

DATE LEASE BEGAN \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TERM OF LEASE (LENGTH) \_\_\_\_\_  
MONTH DAY YEAR

I UNDERSTAND THAT I AM FULLY RESPONSIBLE FOR PROMPT PAYMENT OF ALL CHARGES AT THE ABOVE NOTED PROPERTY SERVICE ADDRESS, IN ADDITION TO COLLECTION FEE FOR ANY UNPAID BALANCE. I AGREE TO PAY ABIDE BY FOR PRESENT AND FUTURE RATES, REGULATIONS, POLICIES AND PROCEDURES FOR WATER, WASTEWATER, AND RECLAIMED WATER SERVICES AS ESTABLISHED IN THE UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP) SERVICES PROMPTLY AT THE RATES APPROVED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS. AND I AGREE TO ABIDE BY PRESENT AND FUTURE REGULATIONS RELATING TO WATER, WASTEWATER, AND/OR RECLAIMED WATER SERVICES AS ESTABLISHED BY THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



EXHIBIT "C"

RELEASE



I/we, the owner ("Owner") of the property located at \_\_\_\_\_ ("Property"), hereby authorize representatives of the Palm Beach County Water Utilities Department ("County") to enter upon the Property, in order to service and/or make repairs to certain water/wastewater facilities ("Facilities") located on the Property. The undersigned acknowledges that the Facilities are the property of Owner, and not the County, and that the County is repairing/servicing the Facilities as a courtesy to the Owner. In exchange for this courtesy repair/service, Owner, for itself and its successors, assigns, releases, acquits, and forever discharges any and all claims it may have against the County, its elected officials, employees, and/or agents, in relation to the County's entrance upon the Property and any repair or service that the County makes to the Facilities. The provisions of this release shall be absolute, irrespective of any joint, sole, or contributory fault or negligence of County. By signing this Release, the Owner acknowledges that it owns the Property and is authorized to sign this Release.

\_\_\_\_\_  
Owner Name

\_\_\_\_\_  
Owner Name

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**EXHIBIT "D"**

**REQUEST FOR PERMANENT DISCONNECT**

I, \_\_\_\_\_, hereby request the property located at \_\_\_\_\_  
be permanently disconnected from the Palm Beach County Water Utility Department's  
("Department") Potable Water/Reclaimed Water/Wastewater system(s) (circle applicable  
system(s)). I am the owner of the above-referenced property and have the authority to execute  
this Request for Permanent Disconnection.

I understand and agree that, by requesting permanent disconnection, the Department shall  
no longer be obligated to maintain service availability or utility system capacity for the above-  
referenced property. I also understand and agree that I will be required to pay applicable fees  
and costs to reconnect to such system(s), including, but not limited to Connection Fees,  
Guaranteed Revenue Fees and Service Installation Fees.

Property Control Number (PCN) \_\_\_\_\_

Witnesses:

_____	Signature
_____	Print Name
Print Name	_____
_____	Title
_____	_____
Print Name	Date

**NOTARY CERTIFICATE**

**STATE OF**  
**COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_ by \_\_\_\_\_ who is personally known to me or has produced  
\_\_\_\_\_ as identification.

My Commission

Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Typed, Printed, or Stamped Name of Notary

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)  
SUMMARY OF PROPOSED CHANGES  
May 2015**

**Chapter 2 - Customer Service**

- Modifies requirements for new customers signing up for service. Currently, all new customers are required to come in to the Department's Customer Service building. This proposal would allow new customers to sign up for service by telephone.
- UPAP currently provides that customers with one (1) or more dishonored payments within any previous twenty-four (24) month period will be required to make subsequent payments in cash, money order, bank draft, certified funds or credit card for a period of not less than 24 months. This update removes security deposit payments from counting as a dishonored payment and reduces the cash only payment period from 24 months to 12 months.
- Provides construction water meters will not remain in service at one (1) location for more than two (2) years.
- Updates the fees for tampering in accordance with the Tampering Ordinance.
- Removes that provision that allows fire line services to be placed in the name of a tenant of a property if the fire line service is connected exclusively to the leased service location. This update provides that fire line service is the sole responsibility of the owner of record for all properties.