

**ORDINANCE NO. 2022-36**  
**AMENDMENT TO BREVARD CODE OF ORDINANCES**  
**CHAPTER 70. UTILITIES**

*Tabled*  
*VOID*

**WHEREAS**, the City of Brevard wishes to amend Sec. 70-46 of its Code of Ordinance with regard to collection of water and sewer customer charges following water leaks; and

**WHEREAS**, this amendment insures that the City adequately collects for the costs of operating its water and sewer public enterprise system, respectively,

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BREVARD THAT:**

The City of Brevard Code of Ordinances Sec.70-46 be amended as noted:

**Sec. 70-46. - Delinquent accounts; disconnection of service.**

(a) *Generally.* Water customers shall not be contacted personally in an effort to collect overdue bills; rather, on the 21st day of the month, if payment has not been received, the late payment fee approved by the city council and maintained in the office of the city clerk shall be added to the bill; on the 28th day of the month, if payment has not been received, the water shall be subject to being cut off. Water cut off under this section shall not be restored until all overdue bills are paid. Fees to disconnect or restore service shall be set forth in the schedule of taxes, fees and charges.

(b) *Dispute of amount of bill.* Any customer disputing the correctness of his utility bill shall have a right to a hearing before the finance director, who shall have authority to delay cutoff and make a determination in any dispute. The customer, however, shall be responsible for all water which passes from the city's water meter to the customer's service line, whether used or wasted. In the case of a burst water pipe, where the water did not enter the sewer system, the customer can be eligible for a credit on the calculated cost of the sewer service. The finance director shall have the authority to adjust a customer's sewer bill when a bona fide leak has occurred and the customer has corrected the malfunction. Before an adjustment is made, the finance director must receive written documentation acceptable to the city of the repair or correction of the malfunction, i.e., a copy of the repair bill for the subject repairs. Any adjustments shall apply to no more than the latest two-month period and be based upon an average bill determined by the finance director from the customer's previous 12-month consumption rate.

(c) *Extensions on Payment Due Dates.* The finance director is authorized to extend the time allowed for payment of a delinquent account to avoid cutoff for a period not to exceed 30 days in those instances where a bona fide hardship case exists. A bona fide hardship case shall be deemed to exist if an account holder obtains written confirmation of such hardship, addressed to the city finance director, from an established and recognized social welfare agency such as the county department of social services, church outreach programs, or local charity organizations.

(d) *Payment Plan Arrangement.* Due to unforeseen circumstances, customers may need to spread a bill over time to avoid disconnection. The finance director on a case-by-case basis, will review the circumstances and determine if a customer is eligible for a payment plan. Only one payment plan is allowed in a 12-month period. Maximum length for a payment plan is 12 months. Failure to make future utility payments timely will void payment plan arrangement, requiring remaining amount due to be paid in full immediately or be subject to disconnection.

(d) *Disconnection fee; forgiveness of charges.*

(1) When water service is disconnected due to nonpayment of charges, a cut-off fee shall be charged, which fee shall be set forth in the schedule of taxes, fees and charges of the annually adopted budget ordinance for the City of Brevard. The cut-

off fee shall be charged and collected once the city has dispatched its service person for the purpose of disconnection of utility service, whether or not the service person is intercepted by the customer and whether or not the actual disconnection is performed. A separate returned check fee will further be made for any check received in payment of a utility bill which is dishonored by the bank upon which the check is drawn, which fee shall be set forth in the schedule of taxes, fees and charges.

(2) When, upon the request of the customer, water service is discontinued and the customer account is temporarily closed, a cut-on fee shall be charged as approved by city council and maintained on file in the office of the city clerk, for the restoration of service, except that this fee shall not be charged when the temporary interruption of service is needed for repair of the water system on the customer side of the meter. Such fee shall be set forth in the schedule of taxes, fees and charges.

(3) The city manager or finance director is hereby authorized to forgive charges for water, sewer or garbage that are less than \$100.00 and to adjust charges for extremely excessive water use due to bona fide leaks.

Adopted and approved the 6<sup>th</sup> day of June, 2022.

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Maureen Copelof  
Mayor

ATTEST:

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Jill Murray, CMC  
City Clerk

APPROVED AS TO FORM:

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Mack McKeller  
City Attorney