

RESOLUTION NO. U.A. 97-7

A RESOLUTION OF THE FORT PIERCE UTILITIES AUTHORITY OF THE CITY OF FORT PIERCE, FLORIDA, SUPERSEDING RESOLUTIONS NO. U.A. 97-2, 95-12, AND 91-4; AND AMENDING SECTIONS 13, 14, AND 16 OF 96-6; AUTHORIZING THE APPLICATION OF FEES/SERVICE CHARGES FOR THE UNAUTHORIZED TAMPERING WITH OR CUTTING OF METER SEALS; THEFT OR UNAUTHORIZED USE OF UTILITIES SERVICE; OR THE UNAUTHORIZED TAMPERING WITH UTILITY SERVICE FACILITIES FURNISHED BY THE FORT PIERCE UTILITIES AUTHORITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, The Fort Pierce Utilities Authority was created and established by Ordinance No. F-399, enacted by the City Commission of the City of Fort Pierce, Florida, and approved by a majority vote of the qualified electors of the City of Fort Pierce, Florida, in a referendum election, held in said City on May 30, 1972, and

WHEREAS, said Ordinance F-399 was modified by Ordinance No. G-297 which was enacted by the City Commission of the City of Fort Pierce, Florida, and approved by a majority vote of the qualified electors of the City of Fort Pierce, Florida, in a referendum election held in said City on November 2,1976, and

WHEREAS, said Ordinances No. F-399 and No. G-297 grant to said Fort Pierce Utilities Authority the exclusive jurisdiction, control, and management of the electric, natural, gas, water and wastewater utility services,

NOW, THEREFORE, BE IT RESOLVED BY THE FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA:

SECTION 1. FEE SCHEDULE:

The following amounts are to be applied to utility service accounts where cut/missing seal(s), meter tampering, theft of service, or unauthorized use has occurred:

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| A. | CUT SEAL | \$ 50.00 |
| B. | TAMPERING FEE | \$200.00 |

SECTION 2. PURPOSE:

The fee schedule is intended to provide Fort Pierce Utilities Authority with an expedient means by which to recover reasonable costs of (1) replacing damaged equipment and (2) investigating potential and actual meter tampering, theft of service, or unauthorized use.

While the existence of the fee schedule and the application of fees may provide a deterrent to individuals who might be inclined to tamper with, steal, or use utility services in an unauthorized manner, the application of any fee is specifically not intended to be punitive in nature. It is the intention of Fort Pierce Utilities Authority to cooperate with local law enforcement agencies and the State Attorney's office in prosecuting individuals who willfully violate Florida State Statute 812.14: Trespass and Larceny with Relation to Utility or Cable Television Fixtures.

The application of a cut seal fee or a tampering fee to a customer's account does not prevent the Utilities Authority from adjusting prior bills for services rendered, lost revenues, billing for expenses incurred over and above the amount recovered through the fee, and/or discontinuing utility services until all fees and arrears are paid as per the general rules and regulations for utility service of the Fort Pierce Utilities Authority. Similarly, application of fees does not prevent the Utilities Authority from seeking restitution or actual and punitive damages through the Civil or Criminal Court System.

SECTION 3. CRITERIA FOR APPLICATION OF CUT SEAL FEES AND TAMPERING FEES:

- A. Cut seal fees may be applied to utility service accounts when Utilities Authority personnel find a meter seal, demand seal, or meter base seal missing, cut, or otherwise intentionally damaged at the customer's service location. Photographic and/or physical evidence will be collected and retained for documentation.
- B. Tampering fees may be applied only after a full investigative report has been completed by the Revenue Protection Officer. Photographic as well as physical evidence must be labeled, cross referenced with file information, and placed in locked storage prior to the application of the fee.

SECTION 4. CONTESTED FEES AND PROVISION FOR WAIVERS:

Any customer who wishes to contest the application of a cut seal and/or tampering fee may do so by sending a written request to the Director of Utilities who makes a final decision and renders such to the customer.

SECTION 5.

This Resolution shall be and become effective immediately upon its adoption this 21st day of October, 1997.

ATTEST:



SECRETARY



VICE - CHAIRMAN

APPROVED FOR FORM AND CORRECTNESS:



FORT PIERCE UTILITIES AUTHORITY ATTORNEY