

ORDINANCE NO. 4620

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 49, SECTION 49-46 OF THE SCOTTSDALE REVISED CODE TO MAKE ADJUSTMENTS FOR DEFECTIVE METERS, LEAKS, ETC.

WHEREAS, the City of Scottsdale desires to make revisions to the billing procedures for defective water meters, leaks, etc.

BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to Chapter 49 of the Scottsdale Revised Code are hereby approved:

Section 1. Section 49-46 of Chapter 49, Article II, Division 2 is hereby amended as follows, with strikethroughs indicating deletions and shading indicating additions:

Sec. 49-46. - Adjustments for defective meters, leaks, etc.

(a) If at any time a water meter is found to be underreporting or over reporting actual usage, the amount of water consumed by the user shall be estimated by the Water Resources Division or designee for all usage periods for which the meter is determined to be defective. The Water Resource Division ~~Director~~ or designee may make an adjustment to the amount billed and may recover, credit or refund the difference between the original billing and the corrected billing, when an error, omission, usage discrepancy or other extraordinary circumstance has occurred. The Water Resources Division shall use historical records or other reasonable bases to calculate an amount of water usage. Such amounts shall be billed or credited to the account holder. If billed, the account holder shall at least have an equal amount of time to pay for past usage charges as the meter was determined to be defective. If credited, the account holder shall receive a credit or refund within sixty (60) days. In no case will the City seek to credit or bill for water usage prior to thirty-six (36) from the date the defective meter and/or excess usage was discovered. The fact that an account holder may have received and paid a billing for base fees, taxes and/or some usage shall not preclude the application of this section.

(b) Account holders and/or property owners are responsible for all leaks or damages on account of leaks from the service pipes leading from the user's side of the meter to the unit of service, including all water consumed.

(c) The City may charge users for water consumed due to leaks or unexplained usage at the lower tier of water usage fee in accordance with section 49-48. A user is eligible to be charged for service at a lower tier if the following criteria is met:

(1) Usage must be at least three (3) times the usage of the same period in the previous year.

(2) A similar lower tier usage fee has not been charged within ~~thirty-six (36) months~~ sixty (60) months of the period currently being considered.

(3) The account holder contacts the City's Utility Billing Department within ~~six (6) months~~ of the time that the customer knew or should have known of the unexplained usage.

(4) Limited to ~~one (1) two consecutive~~ one (1) month of unexplained usage within said ~~sixty (60) thirty-six (36) month~~ thirty-six (36) month period.

(5) Adjustments for ~~defective meters or leaks~~, are approved on a per account basis, ~~which may supersede the thirty-six (36) month period per 49-46(a).~~

(6) Adjustment credits for defective meters or leaks fall into a monetary range of \$25 minimum up to \$1500 maximum.

(7) Credit adjustments are eligible for residential customers only.

(8) Proof of repair (paid invoice(s), receipt of parts purchased if self-repaired) must be presented prior to adjustment approval.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 9 day of January, 2024.

ATTEST:

By: Ben Lane
Ben Lane, City Clerk

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: David D. Ortega
David D. Ortega, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Sherry R. Scott, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney