

## **CHAPTER 2. UTILITIES BILLINGS.**

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### **9-2-1. Billing.**

Tooele City utilities include water, sewer, and garbage service. Except where specifically stated, a resolution adopted by the city council establishing fees sets forth the rate for one billing month for City utilities. However, local conditions, initial billings, final billings, and seasonal readings may cause billings on irregular intervals, in which case the bill may be appropriately adjusted. Except as specifically provided otherwise, the City's rates are based on continuing service at each service location and the bill for utilities service shall be calculated separately for each meter. (Ord. 1994-06, 3-16-1994)

#### **9-2-1.1 Owner responsible - indemnity.**

(1) No City utility services shall be furnished to any dwelling or other place or premises, regardless of whether the services are for the use of the property owner or of a tenant, unless the property owner signs a written application agreeing to be responsible for and pay for all utility service provided to the property. Tenants may not sign for or obtain utility accounts.

(2) The property owner shall provide proof of property ownership, in a form acceptable to the City, at the time of application.

(3) Monthly charges for all city-provided utility services shall be billed to the property owner of record whether the property is owner occupied or renter occupied.

(4) A person authorized by a property owner power of attorney, by probate, or by a court order may sign an application and shall thereafter be responsible for and pay for city utility services.

(5) As an express condition of receiving city utility services, the property owner agrees to, and shall, indemnify, defend, and hold the City harmless against any and all claims made against the City arising in any way out of the property owner's conduct or failure to act with respect to any tenants, including the

termination of city utility services to leased premises at the request of the owner or because of the owner's failure to pay for such services. This indemnity shall include attorneys fees and costs. (Ord. 2015-20, July 15, 2015)

#### **9-2-2. Nonresidential estimated billing.**

When any local condition makes it impractical to read meters at regular intervals, the City may, at its option, read such meters at irregular intervals but not less frequently than once every 12 months. Under such conditions, bills for water service will be rendered for either the minimum monthly charge set forth in the Tooele City Fee Schedule or for amounts based on the City's estimate of the customer's use during the month. When an actual meter reading is obtained, the City may adjust each estimated billing which has occurred since the last City meter reading was obtained. (Ord. 2015-20, July 15, 2015) (Ord. 1994-06, 3-16-1994)

#### **9-2-3. Residential estimated billing.**

Bills will be rendered regularly at monthly intervals to permanent continuous nonseasonal customers. The City at its option may use an estimated billing procedure. If a meter reader is unable to gain access to a meter for the purpose of making an actual reading, the City shall take appropriate additional measures in an effort to obtain an actual meter reading. These measures shall include, but are not limited to, scheduling of a meter reading at other than normal business hours, making an appointment for meter reading or providing a prepaid postal card with a notice of instruction upon which an account holder may record a meter reading. In addition, when mutually agreed upon and at the customer's expense, a remote device may be installed. If after two regular route visits access has not been achieved, the City will notify the customer that the customer must make arrangements to have the meter read as a condition of continuing service. If, after complying with these provisions, the City is unable to make an actual meter reading within a two month period, it may again render an estimated bill for the current billing cycle. (Ord. 1994-06, 03-16-1994)

#### **9-2-4. Payment of bills.**

All bills are payable by mail or in person at any office, pay station, or collection center authorized by the City, not later than the due date shown on the bill. (Ord. 1994-06, 03-16-1994)

**9-2-5. Late payment charge.**

A late payment charge may be levied against any account that is not paid in full each month. This charge will be computed at a percentage specified in the Tooele City Fee Schedule applied to the unpaid delinquent balance brought forward on the subsequent month's bill. All payments received prior to the subsequent month's billing date will apply to the customer's account prior to calculating the late payment charge. Those payments applied shall satisfy the oldest portion of the billing first, any other billings second, and the current billing last.

(Ord. 2015-20, July 15, 2015) (Ord. 1994-06, 03-16-1994)

**9-2-6. Returned check charge.**

A charge, as set forth by resolution of the city council, may be assessed and collected by the City for each returned check.

(Ord. 1994-06, 03-16-1994)

**9-2-7. Disputed bill.**

The director of finance is authorized to settle any disputed charge contained on a utility bill. A final appeal may be taken to the mayor within five days of any written decision of the director of finance.

(Ord. 1994-06, 03-16-1994)

**9-2-8. Billing adjustments.**

(1) Definitions.

(a) A "backbill" is that portion of any bill, other than a levelized bill, which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle.

(b) A "catch-up bill" is a bill based upon an actual reading rendered after one or more bills based on estimated or customer readings. A catch-up bill which exceeds by 50 percent or more the bill that would have been rendered under the City's standard estimation program is presumed to be a backbill.

(2) Every backbill shall contain a written explanation of the reason for the backbill that shall be sufficiently detailed to apprise the customer of the circumstances, error, or condition that caused the underbilling, and, if the backbill covers more than a 24-month period, a statement setting forth the reasons the City did not limit the backbill under Subsection (4).

(3) The City shall not render a backbill more than three months after the City actually became aware of the circumstance, error, or condition that caused the underbilling. This limitation does not apply to fraud or theft of service.

(July 15, 2015)

(4) The City shall not bill a customer for service rendered more than 24 months before the City actually became aware of the circumstance, error, or condition that caused the underbilling or that the original billing was incorrect.

(5) In case of customer fraud, the City shall estimate a bill for the period over which the fraud was perpetrated. The time limitation of Subsection (4) does not apply to customer fraud situations.

(6) The City shall permit the customer to make arrangements to pay a backbill without interest over a time period at least equal in length to the time period over which the backbill was assessed, unless the City has demonstrated that the customer knew or reasonably should have known that the original billing was incorrect or in the case of fraud or theft. Interest will be assessed at the rate applied to past due accounts on all amounts not timely paid in accordance with the established arrangements.

(Ord. 1994-06, 03-16-1994)

**9-2-9. Overbilling.**

(1) Billing under any of the following conditions constitutes overbilling:

(a) a meter registering more than two percent fast, or a defective meter;

(b) incorrect service classification, provided that the information supplied by the customer was not erroneous or deficient;

(c) billing based on a switched meter condition where the customer is billed on the incorrect meter;

(d) meter turnover or billing for a complete revolution of a meter which did not occur;

(e) incorrect meter reading or recording by the City; and,

(f) incorrectly estimated billings by the City.

(2) The City shall not provide interest on customer payments for overbilling.

(3) The City shall not refund or give a credit for overpayments which occurred more than 24 months before the customer submitted a complaint to the City, or the City actually became aware of an incorrect billing which resulted in an overpayment.

(4) The City shall not pay interest on overpayments.

(Ord. 1994-06, 03-16-1994)