



## ORDINANCE NO. 28778

1 AN ORDINANCE relating to utility service; amending Section 12.01.030 of the  
2 Tacoma Municipal Code to delegate authority to the Director of the Tacoma  
3 Public Utilities Department and the Director of the Environmental Services  
4 Department to provide a credit or refund to utility customers for amounts  
5 billed in error; and providing for severability.

6 WHEREAS the Director of the Tacoma Public Utilities Department (“TPU  
7 Director”) and the Director of Environmental Services Department (“ES Director”)  
8 are authorized, pursuant to Section 12.01.030 of the Tacoma Municipal  
9 Code (“TMC”), to waive or adjust utility services charges or fees that are due and  
10 owing when the amount is billed in error and waiver or adjustment are necessary to  
11 avoid substantial injustice, and

12 WHEREAS the TPU Director and ES Director have established policies and  
13 procedures for such waivers and adjustments which include policies and  
14 procedures for refunds or credits for amounts billed by the City in error and paid by  
15 the utility customer, and

16 WHEREAS it is necessary to amend the TMC to conform to current utility  
17 practices and policies for providing refunds and credits; Now, Therefore,

18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That Section 12.01.030 of the Tacoma Municipal Code is hereby  
20 amended by the addition of new subsection 12.01.030.D, to read as set forth in the  
21 attached Exhibit “A.”  
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23 Section 2. If any section, subsection, sentence, clause, or phrase of this  
24 ordinance is for any reason held to be invalid or unconstitutional by a decision of  
25 any court of competent jurisdiction, such decision shall not affect the validity of the  
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remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Chief Deputy City Attorney



**EXHIBIT "A"**

**CHAPTER 12.01  
UTILITY CHARGES**

\* \* \*

**12.01.030 Invoicing and late payment fee.**

A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.

B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers, the late payment fee will be assessed on each invoice that is not paid in full within 30 days from the date issued. For all other City utility customers the late payment fee will be assessed on each invoice that is not paid in full within 24 days from the date the invoice is issued. The late payment fee shall be as follows:

<b>Utility Amount Balance</b>	<b>Late Payment Fee</b>
\$0 - \$9.99	\$0
\$10.00 and over	1% of balance with a \$3.00 minimum

After the initial delinquency and failure to pay, the late payment fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The fee will be assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment fee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

C. Notwithstanding TMC 1.06.226, and except as otherwise provided in this Code or applicable state law, utility service charges or fees due and owing the City may be waived or adjusted by the Director of Utilities, or by the Director of Environmental Services Department as the case may be, or their respective designees by express delegation. Such waiver or adjustment authority may only be exercised under the following circumstances:

1. Amounts billed to an eligible residential utility customer, pursuant to TMC 12.06.165, 12.08.360, 12.09.090 and/or 12.10.400 who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds;
2. Late payment fees billed to a customer that is a public agency or Indian Tribe and that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days;
3. Amounts billed in error or in cases where written evidence has been presented demonstrating such irregularity that waiver or reasonable adjustment is necessary to avoid substantial injustice to the Customer; or
4. Pursuant to written procedures promulgated by the Director of Finance and approved by the Director of Utility and the Director of Environmental Services Department.



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D. Notwithstanding TMC 1.06.226, and except as otherwise provided in this Code or applicable state law, the Director of Utilities, with regard to power, water and rail services, and the Director of Environmental Services Department, with regard to wastewater, stormwater and solid waste services, and their designees, are authorized to approve a credit or refund to any utility customer for amounts paid and received and determined by the Director, or designee, to have been billed in error by the City and that are in excess of the true amount due and owing. The Directors are further authorized to establish policies and procedures governing the approval of any such refund or credit.