

TOQUERVILLE CITY
ORDINANCE 2026.XX

AN ORDINANCE OF THE CITY OF TOQUERVILLE, UTAH, AMENDING TITLE 8 PUBLIC UTILITIES, TO ESTABLISH POLICIES RELATED TO UTILITY BILLING CORRECTIONS

RECITALS

WHEREAS, Toquerville City provides utility services to customers and is responsible for accurately billing customers for utility services provided;

WHEREAS, billing errors may occasionally result in a customer being charged more or less than the amount properly due for utility services provided;

WHEREAS, the City desires to establish clear and consistent procedures for correcting billing errors;

WHEREAS, the City desires to establish reasonable limitations on the period for which billing errors may be corrected and to provide customers with reasonable payment terms when a backbill is assessed;

WHEREAS, the City Council finds that establishing uniform procedures for correcting utility billing errors will promote fairness, consistency, transparency, and sound administration of the City's utility billing system; and

WHEREAS, the City Council finds that adoption of this Ordinance is in the best interests of the City and its utility customers;

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Toquerville City, Utah, that Title 8, Chapter 1, Section 3-F is hereby adopted as follows:

8-1-3-F: Billing Adjustments:

- A. Backbilling. A "backbill" is that portion of a bill which represents charges not previously billed for service that was actually delivered to the customer during a period before the current billing cycle.
 - a. Limitation. A customer shall not be backbilled for service rendered more than 12 months.
 - b. Payment Period. The customer shall be permitted 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.
- B. Overbilling. An "overbill" is that portion of a bill which represents charges in excess of the amount properly due for service that was actually delivered to the customer during a period before or during the current billing cycle.
 - a. Correction. When the City determines that a customer has been overbilled, the City shall correct the billing error and credit the amount of the overbill to the customer's account or, if appropriate, refund the amount to the customer.

- b. Limitation. The City shall provide a credit or refund for an overbill occurring within 24 months preceding the date the City becomes aware of the billing error.
- c. Application of Refund. A credit resulting from an overbill shall be applied to the customer's next billing statement unless the customer requests a refund or the City determines that a refund is appropriate.
- d. Interest. No interest shall be paid or credited on an overbill.

1. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

2. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

3. **EFFECTIVENESS.** This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this 2nd day of September 2026, based upon the following vote:

Councilmember:

Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Valerie Preslar	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jenny Chamberlain	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Dan Catlin, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder