



Ord. # 5732

**An Ordinance to Amend City of Memphis, Code of Ordinances, Chapter 13-41, Section 13-41-11, to  
Modify the Time Period for the Issuance of Credits Resulting from Billing Errors Related to  
Stormwater Fees**

**WHEREAS**, Section 13-41-11 of the City's existing Stormwater Enterprise Fund requires appeals related to billing errors be filed within 90 days after the initial billing of the stormwater fee or within 90 days after any billing showing a recalculation of the stormwater fee; and

**WHEREAS**, Section 13-41-11 authorizes the Public Works Division to issue customers a credit in the event it is determined that a stormwater fee has been billed incorrectly; and

**WHEREAS**, such credit adjustments are applied retroactively 90 days to the date of the initial billing or effective date of the recalculated bill, as applicable; and

**WHEREAS**, the administration deems it in the best interest of the citizens of Memphis that Section 13-41-11 be amended to authorize the issuance of a credit adjustment for up to twelve (12) months for customers incorrectly billed stormwater fees and that such credit adjustment be applied retroactive to the date of the appeal filed by the customer.

**NOW THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Section 13-41-11 (D). of the City of Memphis, Code of Ordinances is hereby deleted in its entirety and replaced with the following:

An appeal by the owner, occupant, or occupant organization of a single-family or multi-family residential property must be filed in writing to the Director of Public Works subject to the requirements set forth in Section 13-41-11(F). Following such appeal, a billing credit shall be issued by the director or his designee for billing errors confirmed by the Division of Public Works and shall be limited to errors occurring twelve (12) months retroactive to the date of filing of the appeal by the customer.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Section 13-41-11(E). of the City of Memphis, Code of Ordinances is hereby deleted in its entirety and replaced with the following:

An appeal by the owner, occupant, or occupant organization of a nonresidential property must be filed in writing to the Director of Public Works subject to the requirements set forth in Section 13-41-11(F). Following such appeal, a billing credit shall be issued by the director or his designee for billing errors confirmed by the Division of Public Works and shall be limited to errors occurring twelve (12) months retroactive to the date of filing of the appeal by the customer.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that this Ordinance Amendment shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

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Kemp Conrad, Chairman  
Memphis City Council

ATTEST:

\_\_\_\_\_  
Comptroller

THE FOREGOING ORDINANCE  
# 5732 PASSED

1st Reading 10-15-2019

2nd Reading 11-05-2019

3rd Reading 11-19-2019

Approved: \_\_\_\_\_  
Chairman of Council

Date Signed: 12-13-19

APPROVED: \_\_\_\_\_  
Mayor, City of Memphis

Date Signed: 12/30/19

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Sripes  
Comptroller