

CHAPTER 92

WATER RATES

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92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises, or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

(Code of Iowa, Sec. 384.84)

1. The cost of water supplied to consumers through connections to the City waterworks system shall be charged on the basis of a service charge and monthly consumption of water through each meter as determined from meter readings made at monthly intervals and in accordance with the following monthly rates:

- A. Service Charge - \$12.16.
- B. Usage Charge - \$4.55 per 100 cubic feet.

2. The service charge shall be charged per dwelling or business unit. A dwelling unit is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For businesses, a unit shall be defined by a single autonomous area including permanent provisions for sanitation. The Building Official will make a determination as to how many units are in each building in the event that it is unclear. This service charge shall be charged on every monthly bill regardless of water use or lack thereof. There shall be no suspension or shut off option for this charge. However, this monthly service charge may be prorated equitably between two parties in the event of move in or move out in regards to selling of said property or changes in rental status. Billing of usage per 100 cubic feet shall also be effective of the move in or move out dates.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates 150 percent of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 and 384.84)

92.04 SURCHARGE FOR YARD METER. When a yard meter has been installed in accordance with the requirements of Section 90.21 of this Code of Ordinances, there shall be added to the water service charges described in Section 92.02 a fee of \$2.00 per month irrespective of usage.

92.05 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. **Bills Issued.** The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month or the first business day thereafter if the first is on a Saturday, a Sunday, or legal holiday.
2. **Bills Payable.** Bills for combined service accounts shall be due when rendered and payable at the office of the Clerk by the fifteenth day of each month or the first business day thereafter if the fifteenth is on a Saturday, a Sunday, or legal holiday.
3. **Late Payment Penalty.** Bills not paid by 8:00 a.m. on the first business day following the due date shall be considered delinquent. A late payment service fee set by resolution shall be added to each delinquent bill to recoup costs related to the delinquency.
4. **Notice Fee.** When 24-hour notices are to be given or posted on the property for combined service accounts to be discontinued for nonpayment of utility bills, a separate delinquent account notice fee set by resolution shall be added to the account to recoup costs related to notice.

92.06 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. **Notice.** The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection. The 24-hour notice will be given or posted on the property.
2. **Notice to Landlords.** If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. **Hearing.** If a hearing is requested by noon of the day preceding the shut off, the Superintendent shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Superintendent's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. **Fees.** A fee set by resolution shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the

regular changes in occupancies of property. Reconnections shall be made only during normal business hours.

92.07 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.08 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, stormwater drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home

park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.09 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 CUSTOMER DEPOSITS. There shall be required from every customer for each location with utility service a deposit in an amount set by resolution intended to guarantee the payment of bills for service. If a customer's account becomes delinquent, the City may, at the City's option, at any time, apply any part or all of a deposit held for the customer toward the payment of the delinquent account. If any part of a deposit is applied or the deposit balance is reduced for any reason, the City may require that the customer pay to the City the amount necessary to restore the balance of the deposit to the amount required by this section. Upon the termination of the use of the water service by that tenant for that building, any balance of such deposit shall be returned to the tenant without interest.

(Code of Iowa, Sec. 384.84)

92.11 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee in an amount set by resolution for shutting the water off at the curb valve. The customer shall not be charged a separate reconnect fee when service is restored.

92.12 FORGIVENESS OF EXCESSIVE WATER USE. Any customer may seek a one-time reduction of the water and sewer portion of his or her combined utility service bill if excessive use is due to a leak, mechanical malfunction, or the like. The Superintendent may forgive the amount due and instruct the utility billing clerk to re-issue the bill at an amount equal to the average bills over a 12-month span. Customers (including all adult occupants of the location) may only seek this type of forgiveness once even if there is a change of residency location.

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