

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Billing for Water Service
92.04 Service Discontinued
92.05 Lien for Nonpayment

92.06 Lien Exemption
92.07 Lien Notice
92.08 Customer Deposit
92.09 Water Fund Account
92.10 Accounting and Audit

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. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. First 2,000 gallons used per month @ \$16.00 (minimum bill).
2. 2,001 gallons to 10,000 gallons used per month @ \$4.50 per 1,000 gallons (.0045 cents per gallon).
3. 10,001 gallons to 20,000 gallons used per month @ \$4.00 per 1,000 gallons (.0040 cents per gallon).
4. 20,001 gallons to 30,000 gallons used per month @ \$3.50 per 1,000 gallons (.0035 cents per gallon).
5. 30,001 gallons to 40,000 gallons used per month @ \$3.00 per 1,000 gallons (.0030 cents per gallon).
6. 40,001 gallons to 100,000 gallons used per month @ \$2.50 per 1,000 gallons (.0025 cents per gallon).
7. 100,001 gallons to 500,000 gallons used per month @ \$2.00 per 1,000 gallons (.0020 cents per gallon).
8. Users of 500,001 gallons or more per month shall pay \$1.93 per 1,000 gallons for all water used and will not be subject to the rates set forth in subsections 1 through 7 (.00193 cents per gallon).

92.03 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, under the direction of the Superintendent, shall prepare and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bills.
2. Bills Payable. Bills for combined service accounts shall be due and payable within seventeen (17) days of the date of issue by 5:00 p.m. and shall be delinquent thereafter.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of ten dollars (\$10.00) shall be added to each delinquent bill.

92.04 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, under the direction of the Superintendent, 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 Utilities Shut-Off Notice. 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. An account with no prior delinquency at any time during the past year shall be sent a Reminder Notice first, followed by a Utilities Shut-Off Notice if payment, including late payment charges, is not received by the date specified in the Reminder Notice.
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 Mayor shall conduct an informal hearing and shall make a determination as to whether the discontinuous or disconnection is justified. The customer has the right to appeal the Mayor's decision to the Council, and if the Council finds that disconnection or disconnected is justified, then such disconnection or disconnected shall be made, unless payment has been received.
4. Fees. A turn-off fee of twenty-five dollars (\$25.00) shall be charged for turning off the water service and a turn-on fee of \$25.00 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.

92.05 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)

92.06 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 ninety (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, storm water 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 ninety (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 thirty (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 ten (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 thirty (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 ten (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.

92.07 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 thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.08 CUSTOMER DEPOSITS. A deposit of fifty dollars (\$50.00) for owner-occupied homes and commercial establishments is required to be made before water services will be established. A deposit of one hundred dollars (\$100.00) for all other users is required to be made before water service will be established. The Clerk shall keep all water deposits in the Water Fund Account. Water deposits may be used to offset any delinquent water bills and will

be returned to the depositor within thirty (30) days of discontinuance of water service, if there are no delinquent bills, provided the depositor provides in writing a notice to the Clerk informing the Clerk where to forward the deposit. No interest shall be payable on the deposits.

92.09 WATER FUND ACCOUNT. All revenues and moneys derived from the operation of the water system shall be paid to and held by the City separate and apart from all other funds of the City, and all of said sums and all other funds and moneys incident to the operation of said system as may be delivered to the City shall be deposited in a separate fund designated the "Water Fund Account" and the Council shall administer said fund in every respect in a manner provided by the *Code of Iowa* and all other laws pertaining thereto.

92.10 ACCOUNTING AND AUDITING. The Clerk shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular annual intervals the Council shall cause an audit of the books to be made by an independent auditing concern to show the receipts and disbursements of the water system.

[The next page is 509]