

## CHAPTER 92

### WATER RATES

92.01 Service Charges

92.02 Rates For Service

92.03 Rates Outside the City

92.04 Billing for Water Service

92.05 Service Discontinued

92.06 Lien for Nonpayment

92.07 Lien Exemption

92.08 Lien Notice

92.09 Customer Deposits

92.10 Unoccupied Structures

92.11 Change of Ownership or Rental

92.12 Change of Customer

**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.** The minimum charge for water quantities as set forth herein is based on a three-month consumption period (quarterly). Said three-month period shall begin at the due date previous to the date of beginning of water service and terminate three months from said due date. (This provision is made so that all service months will terminate on an established due date.) The following charges are established as the rate structure for water users within the City:

1. A quarterly prepayment in the amount of ninety-four dollars (\$94.00) shall be paid for a minimum use of ten thousand (10,000) gallons of water and shall become effective July 1, 2011.
2. Excess water shall be billed at the rate of \$6.16 per 1,000 gallons of water and shall become effective April 1, 2011.

**92.03 RATES OUTSIDE THE CITY.** Those customers residing outside of the City limits will be billed at the following rates:

1. A quarterly prepayment in the amount of ninety-four dollars (\$94.00) shall be paid for a minimum use of ten thousand (10,000) gallons of water and shall become effective July 1, 2011.
2. Excess water shall be billed at the rate of \$6.16 per 1,000 gallons of water and shall become effective April 1, 2011.
3. An out-of-City annual user fee of \$600.00 shall be paid annually, \$150.00 of said amount to be paid each quarter.
4. All water utilized for firefighting purposes shall be estimated and billed at \$6.16 per 1,000 gallons to the resident or owner where the fire occurred.

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed and payable in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Meters Read. Water meters shall be read during the last month of each of the quarters consisting of the following months:

First Quarter – January, February and March;

Second Quarter – April, May and June

Third Quarter – July, August and September  
Fourth Quarter – October, November and December.

2. Bills Issued. The Clerk shall prepare and issue bills for water service on or before the first day of the month following each quarter.
3. Bills Payable. Bills for water service shall be due and payable at the office of the Clerk by the first day of the second month following the end of each quarter.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of nine percent (9%) of the amount due shall be added to each delinquent bill.

**92.05 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued in accordance with the following:

*(Code of Iowa, Sec. 384.84)*

1. Notice. The City shall notify each delinquent customer that service will be discontinued 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.
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 City Clerk/Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified.
4. Fees. A fee of fifty dollars (\$50.00) shall be charged before water service is restored to a delinquent customer. If service is requested to be restored after normal operating business hours, a fee of seventy-five dollars (\$75.00) shall be charged.

**92.06 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 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)*

**92.07 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.

**92.08 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)*

**92.09 CUSTOMER DEPOSITS.** Any renter or lessee of residential or commercial property is required to post a one hundred dollar (\$100.00) deposit to insure against nonpayment of water usage in excess of the minimum water bill, or any amount owed. Upon proper notice of the renter's or lessee's intent to terminate occupancy, the Clerk shall cause the water meter to be read, and any water usage still owed will be deducted from the refund. If no excess usage or past due amount is determined, the renter or lessee shall be entitled to a full refund.

**92.10 UNOCCUPIED STRUCTURES.** Legal title holders of any unoccupied structure, regardless of length of time unoccupied, shall be liable for the quarterly

minimum water bill. In the event the owner of the structure is deceased, the quarterly minimum water billing shall accrue to the estate.

**92.11 CHANGE OF OWNERSHIP OR RENTAL.** The owner or previous owner of property where water is consumed on the premises is responsible for notifying the City of any change of ownership, renter or lessee of the property to insure the correct name and address of all billings. Water charges shall accrue to the owner of the property for failing to fulfill this obligation.

**92.12 CHANGE OF CUSTOMER.** Upon receiving proper notification of change of ownership, renter or lessee, it shall be the responsibility of the Clerk to record the responsible person's name and address in the City water records, to cause the meter to be read and to bill the previous owner, renter or lessee for any overage.

[The next page is 455]