

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.

1. Water service shall be furnished at the rate of \$9.00 per month, plus \$3.00 for each 1,000 gallons of water used each month, except for usage equal to or exceeding 100,000 gallons per month, which usage shall be furnished at the rate of \$5.00 per 1,000 gallons of water used each month.

(Code of Iowa, Sec. 384.84)

2. Customers with a second water meter shall be assessed a maintenance charge of \$4.00 per month, plus water consumption at the current rate. No sewer rate will be assessed.

92.03 RATES OUTSIDE THE CITY. Water service can be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at 125% 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 & 384.84)

92.04 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.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15th) day of each month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of five percent (5%) 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 Clerk 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.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk or Mayor shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the Mayor's or Clerk's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.
4. Fees. During normal business hours a fee of \$75.00 shall be charged and paid by the customer before service is restored. After normal business hours, a fee of \$95.00 shall be charged and paid by the customer before service is restored. A fee of \$20.00 will be charged if City personnel make a trip to disconnect service and customer interrupts disconnection and chooses to make payment on the account.

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. The lien for nonpayment shall not apply to a residential 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 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 water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential 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. The lien exemption does not apply to delinquent charges for repairs to a water service.

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.

1. Customer deposits are due on the date that service is placed in customer's name, otherwise known as the effective date, meaning the date that the customer takes possession of the property, as reported by the customer or customer's landlord. The Clerk will note in the deposit record and utility record the date the account became effective. If the full deposit is not received within one week (seven calendar days) of the account effective date, notice shall be given that disconnection shall occur within three calendar days. If full payment is not received, the disconnection shall occur and all pertinent fees shall apply for reconnection of service. If disconnection is not possible, the lien process shall begin as regulated in Section 92.08. If disconnection is not possible at a rental property, the account shall be turned over to the landlord immediately until full payment is received.

2. If the account was maintained with acceptable credit, as defined in Section 92.10, deposits shall be refunded to the customer after continuous service for two years (calendar years, beginning with effective date). Customer deposits shall be refunded in the original amount paid, without interest added.

3. Customer is not eligible for a refund of the trust deposit if the account has an unacceptable credit standing, as defined in Section 92.10, at the close of the first two-year cycle, and the second two-year cycle shall begin. If the customer maintains acceptable credit, as defined in Section 92.10, during the second two-year cycle, the customer shall receive the deposit in the original amount paid, without interest added.

4. If a customer is not eligible for a refund of the trust deposit due to unacceptable credit standing, as defined in Section 92.10, the two-year cycle will begin again. The customer shall have two years to prove acceptable credit, as defined in Section 92.10, with the previous deficiencies forgiven. At the end of the new two-year cycle, if acceptable credit has been maintained the customer shall receive the deposit in the original amount paid, without interest added.

92.10 CREDIT STANDINGS DEFINED. There are two credit standings: unacceptable and acceptable, defined in accordance with the following:

1. **Acceptable Credit.** Acceptable credit is defined as: Customer has had, in a 24-month cycle, as described in Section 92.09, one or fewer occasions of late payment and one or fewer returned checks with no incidents of disconnection notice.

2. **Unacceptable credit** is defined as: Customer has had two or more late payments in a 24-month cycle, as described in Section 92.09, or has been disconnected or nearly disconnected once or if the customer has presented two or more nonsufficient funds checks.

92.11 EXEMPTION FROM CUSTOMER DEPOSIT. Customer exemptions shall be granted in accordance with the following:

1. Full Exemption. Customers exempt from trust deposits must meet the following criteria: one year of acceptable credit on a Riverside City account in customer's name, as defined in Section 92.10.
2. Partial Exemption. Customers exempt from half of the trust deposit charge must meet the following criteria: prove they have lived at a residence where a Riverside utility account was maintained in acceptable credit, as defined in 92.10, and customer contributed financially to payment on this utility account.

92.12 POLICY REGARDING RETURNED CHECKS. The Clerk will inform the customer, by ordinary mail, of the receipt of a returned check and a \$20.00 surcharge shall be added to the customer's account. If the customer presents three checks in the period of one year that are returned, the City will not accept personal checks for that account for the period of one year from the date the surcharge was applied to the account; the City will accept only a cashier's check, money order, or cash as payment. Any other form of payment shall be returned to the customer immediately with a written letter outlining payment requirements, all delinquent charges shall apply, and account shall be eligible for disconnection until acceptable payment is received.

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