

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. Effective July 1, 2006, water service shall be furnished at the following rates within the City:

(Code of Iowa, Sec. 384.84)

1. General Rate. Except as otherwise provided herein, water use shall be billed at the following general rate: \$3.95 per 1,000 gallons used, billed monthly.
2. Irrigation Meter Rate. For water use registered by an irrigation meter, for which no sewer service charge is made, the following rate applies and not the general rate:

A. Residential Customers.

\$3.95 per 1,000 gallons for the first 7,500 gallons used each month;

\$4.47 per 1,000 gallons for all usage in excess of 7,500 gallons used each month, but not greater than 15,000 gallons per month;

\$5.66 per 1,000 gallons for all usage in excess of 15,000 gallons used each month, but not greater than 30,000 gallons per month; and

\$6.51 per 1,000 gallons for all usage in excess of 30,000 gallons used each month.

All such sums shall be billed monthly.

B. Commercial Customers. \$4.72 per 1,000 gallons used, billed monthly.

(Ord. 856 – Jun. 06 Supp.)

92.03 BILLING FOR WATER SERVICE. Billing and payment for water service shall be in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Meters Read. Water meters shall be read on a monthly basis.
2. Bills Issued. The Clerk shall prepare and issue bills for water service on or before the first day of the month following each monthly billing period.
3. Bills Payable. Bills for water service shall be due and payable at the office of the Clerk by the fifteenth (15th) of the month following the end of each monthly billing period.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill. The City Manager is authorized to waive the penalty in instances where circumstances seem to justify such waiver.
5. Returned Checks. A fee, as set forth in the fee schedule established by City Council of the City of Clive, shall be charged for all checks not honored by the bank. *(Ord. 805 – May 04 Supp.)*

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

(Code of Iowa, Sec. 384.84)

1. Notice. Within five (5) days following the date that bills for water service are due and payable (i.e. the fifteenth day of the month), the Clerk shall send a written notice to each delinquent customer that water service will be discontinued if payment, including late payment charges, is not received by within ten (10) days from the date the notice is mailed. The notice shall afford the customer the opportunity to request a hearing before the City Clerk prior to the discontinuation of service. Such written notice shall be sent by first class mail. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the written notice sent to the customer shall also be given to the owner or landlord.
2. Service Discontinued. If payment is not received within ten (10) days following the date the written notice is sent to the customer and payment arrangements have not been made pursuant to a hearing before the City Clerk, the Public Works Department shall leave a notification card of shut-off of the supply of water on the premises of any customer who, not having requested a hearing, has failed to make payment by the date specified in the notice of delinquency. Twenty-four (24) hours following the delivery of the notification card to the customer, the Public Works Department shall shut off the supply of water.
3. Fees. The customer shall pay a fee set forth in the fee schedule established by the Clive City Council for the issuance of a notification card to a delinquent customer regarding the shut-off of the water supply. A turn-on fee of thirty dollars (\$30.00) shall be required before service is restored to a delinquent customer during regular business hours. If service is restored to a

delinquent customer after regular business hours, the customer shall pay the fees set forth in the fee schedule established by Clive City Council for restoration of service after regular business hours.

(Ord. 852 – Jun. 06 Supp.)

92.05 CUSTOMER DEPOSITS. There shall be required from every customer or prospective customer a deposit intended to guarantee the payment of bills for service, as follows:

- 1. Residential. For residential users:
 - A. Owner..... \$ 50.00
 - B. Renter \$ 100.00

(Ord. 805 – May 04 Supp.)

- 2. Commercial. For commercial users:
 - A. ¾ to 1-inch \$ 50.00
 - B. 1½-inch \$ 60.00
 - C. 2-inch \$ 90.00
 - D. 4-inch \$ 190.00
 - E. 6-inch \$ 310.00

For any commercial and industrial properties where the previous experience of that building use shows a water bill to be substantially higher than the deposit shown for that size meter, then the deposit should be equivalent to one billing period.

- 3. Hydrant Meters. A deposit shall be made for hydrant meters, with the amount of the hydrant meter deposit determined in accordance with an established fee schedule, which fee schedule may be modified from time to time with the approval of the City Council.

(Ord. 787 – Sep. 03 Supp.)

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 in excess of the amount of the customer deposit remaining unpaid and delinquent shall constitute a lien upon the premises served and may 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 ten (10) 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.

(Code of Iowa, Sec. 384.84)

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. If the customer is a tenant and if the owner or landlord of the property 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. *(Ord. 715 – Nov. 00 Supp.)*

(Code of Iowa, Sec. 384.84)

92.09 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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