

**CHAPTER 99**

**SEWER SERVICE CHARGES**

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**99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer whose premises is served by a connection with the sanitary sewer system of the City, either directly or indirectly, shall pay to the City sewer service charges as hereinafter established and specified for the purpose of contributing toward the costs of construction, maintenance and operation of a sewage treatment plant and system.

*(Code of Iowa, Sec. 384.84)*

**99.02 BASIC RATE.** Except as hereinafter noted, effective July 1, 2006, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, the Clive Water Department, at the same time payment for City water service is made, the following charges:

1. A flat sewer availability charge at the rate of \$3.62 per month, regardless of the amount of the consumption by such customer; and
2. A sewage consumption charge computed on water consumption at the rate of \$2.77 per one thousand (1,000) gallons of water.

The foregoing consumption rate shall apply if the sewage meets the standard for domestic and commercial sewage, which is as follows:

- Suspended Solids .....Not to exceed 400 P.P.M.
- Biochemical Oxygen Demand .....Not to exceed 400 P.P.M.

If sewage is contributed which does not meet the above standards, there will be a surcharge where suspended solids or biochemical oxygen demand are in excess of 400 P.P.M. The surcharge shall be computed at the rate of \$0.105 per 1,000 gallons of such sewage contributed.

*(Ord. 856 – Jun. 06 Supp.)*

**99.03 MINIMUM CHARGE.** In no case shall the total minimum charge be less than \$26.06 per quarter, which amount shall include both the flat sewer availability charge and the sewage consumption charge. Such amount is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

**99.04 SPECIAL SEWER MAINTENANCE/REHABILITATION FUND.**  
*(DELETED BY ORDINANCE NO. 856 – Jun. 06 Supp.)*

**99.05 MINIMUM SPECIAL SEWER CHARGE.** In no case shall the minimum special sewer charge for maintenance, rehabilitation, construction, and financing of sewer lines, trunks, equalization basins, plants and other facilities that are part of the sewer system be less than \$6.51 per quarter, which amount is necessary for the purpose described in Section 99.04 of this chapter.

**99.06 SPECIAL RATES.** Where, in the judgment of the Director of Public Works and the Council, special conditions exist to the extent that the application of the sewer service charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Director of Public Works and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.07 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer service charges based upon the water used as determined by the Director of Public Works either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

*(Code of Iowa, Sec. 384.84)*

**99.08 PAYMENT OF BILLS.** All sewer service charges shall be due and payable under the same terms and conditions provided for payment for water service as contained in Section 92.03 of this Code of Ordinances, and the provisions contained in Section 92.08 relating to notices of delinquency and lien notices shall also apply in the event of a delinquent sewer charge.

**99.09 LIEN FOR NONPAYMENT.** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges 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 [1])*

**99.10 DISCONTINUANCE OF SERVICE.** After giving reasonable notice, the Director of Public Works may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefor in good faith. All rates or charges due and owing under this chapter, if not paid as provided herein, shall constitute a lien upon the premises served

by any of the services mentioned herein and may be certified to the County Treasurer and collected in the same manner as taxes.

**99.11 SPECIAL AGREEMENTS PERMITTED.** No statement in this chapter shall be construed as preventing a special agreement, arrangement or contract between the Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council, provided further that such rates and agreement shall not be in violation of any law, or any outside contract between the City and other corporate entity.

**99.12 ANNUAL REVISION OF RATES.** The City will review the sewer service charges at least yearly and revise the sewer user charges as necessary to insure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a sewage treatment plant and system and that the sewer user charge system continues to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a sewage treatment plant and system among the users and user classes. The liability of a sanitary sewer user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

**99.13 USER NOTIFICATION.** The City will notify each sanitary sewer user at least annually, in conjunction with a regular bill for charges for sanitary sewer service as provided in this chapter, of the rate being charged for operation and maintenance (including replacement and debt service) of the sewage treatment plant and system. The liability of the sanitary sewer user to pay for such charges as set forth in this chapter shall not be contingent, however, upon such notification.

**99.14 INCONSISTENT AGREEMENTS OR CONTRACTS.** The provisions of this chapter shall take precedence over the terms or conditions of any agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Federal Water Pollution Control Act and Section 35.2140 of 40 C.F.R. Part 35, dated May 12, 1982.

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