

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 WATER UTILITY SERVICE AREA.

1. Area Defined. Water shall only be supplied to property located within the established corporate limits of the City. There shall be no public water service supplied to unincorporated areas or properties except upon annexation of the area or property and payment of associated costs by the owner of the unincorporated area or property.

2. Exception. Notwithstanding the provisions of subsection 1, the City may provide limited water service to an unincorporated area or property without annexation upon the showing of exceptional benefit and need to the City and in accordance with the favorable recommendation of City staff, the City's comprehensive plan and the general health, safety and welfare of the public. Among the findings made under this section must be a finding that such water service to the unincorporated area or property will be at no cost to the City. All existing water services to unincorporated areas or properties as of the date of Ordinance No. 476 shall be allowed to remain in place. All customers in the unincorporated area or property without annexation that obtain water service from the City of Carlisle, Iowa pursuant to this section hereby agree to enter into an agreement in which they agree to be voluntarily annexed into the corporate limits of the City of Carlisle at such time as the City Council may determine it is prudent.

(Ord. 675 – Mar. 16 Supp.)

92.03 RATES FOR SERVICE.

(Code of Iowa, Sec. 384.84[1])

1. Rate Within the City. Water Service shall be furnished at the following monthly rate for water service within the City: \$7.00 per 1,000 gallons of water used. Minimum monthly bill is \$7.00.

(Ord. 718 – May. 17 Supp.)

2. Bulk Water Rate. Water shall be furnished at the following rate for bulk water sales at the water treatment plant: \$.25 per 22½ gallons.

3. Rate Outside the City. Water shall be furnished at the following monthly rate for water service outside the City, pursuant to Section 92.02(2): each 1,000 gallons used per month at twice the amount set forth in Section 92.03(1). Minimum monthly bill is 1000 gallons.

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(Ord. 708 – Mar. 17 Supp.)

92.04 WATER CONSUMED FOR AGRICULTURAL PURPOSES. Water consumed for agricultural and industrial use shall be permitted only upon the approval of the Council and service to agricultural and industrial establishments may be by contract if the City deems it in its best interest. Rates pertaining to agriculture and industry are subject to review and negotiation by the City.

92.05 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, date, and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bill.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk within 20 days of the date of issue.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of ten percent of the current month's charges shall be added to each delinquent bill.

(Ord. 716 – Mar. 17 Supp.)

4. Each customer shall be allowed one late payment per annum, and no penalty shall be assessed with reference to said late payment.

92.06 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. 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 Clerk 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 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. A 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.

(Ord. 716 – Mar. 17 Supp.)

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92.07 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)

92.08 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.

92.09 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

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ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 CUSTOMER DEPOSITS. There shall be required from every customer or prospective customer not the owner of the premises served a deposit in an amount totaling one month's average bill, intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.11 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be no fee for shutting the water off at the curb valve and a \$25.00 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

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