

## 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.** The following meter rates for all connections, consumption or use of water are fixed and adopted as follows:

*(Code of Iowa, Sec. 384.84)*

1. Water Rates.

Gallons Used Per Month	Rate
0 – 1,000	\$3.93 per month (i.e., minimum charge for 1,000 gallons per month or less)
Over 1,001	\$4.25 per 1,000 gallons, this will increase by \$.10 on May 31, 2019, Council review in 2020

*(Ord. 1116 – Oct. 18 Supp.)*

2. Meter Fee – based on the meter size.

Meter Size	Meter Charge
5/8"	\$2.00/month
3/4"	\$3.00/month
1"	\$5.00/month
1½"	\$10.00/month
2"	\$15.00/month
3"	\$20.00/month
4"	\$30.00/month
6"	\$50.00/month
8"	\$100.00/month

*(Ord. 1124 – Nov. 18 Supp.)*

**92.03 RATES OUTSIDE THE CITY.** Municipal water users located outside the City limits shall pay an additional charge for water use which shall be \$1.90 per 1,000 gallons for consumption or use of water herein. The combined charge for water users located outside the City shall be the amount computed for the same user located within the City limits plus \$1.90 per 1,000 gallons usage per billing period.

*(Ord. 1001 – Dec. 11 Supp.)*

*(Code of Iowa, Sec. 364.4 & 384.84)*

**92.04 ADJUSTMENT OF WATER CHARGES.**

1. In the payment of water charges, no discount shall be allowed except as provided in subsection 2 of this section. If the water bill for charges has not been paid within ten (10) days of the date on which the same is rendered, a penalty of five percent (5%) thereof shall be added. If a request for review is filed under subsection 2 of this section the penalty shall not apply until ten (10) days after the final determination of the water charges.

2. In the event of water usage by a customer due to malfunction or other catastrophe which causes use to exceed the average usage for the same period for the previous three full billing periods by at least one hundred percent, or if catastrophe happens in two consecutive billing periods the three full billing periods prior to the catastrophe shall be used, the such customer may, not later than the due date of the customer's bill and prior to payment thereof, file a request with the Clerk for review of the water charges imposed. Such review shall be made by the City Manager. The following factors shall be considered in any review of such request:

- A. Past history of water discharge on the customer's premises due to faulty plumbing or equipment;
- B. Nature of catastrophic leak or malfunction;
- C. Period of time taken to correct malfunction after discovery;
- D. Any other relevant factors relating to the volume of water used.

1. The City Manager may (but shall not be obligated) to adjust the account and shall within ten (10) days of the filing of a review request by the customer, advise the customer of the decision in writing. The customer may appeal the City Manager's decision to the Council by written notice filed with the Clerk within five (5) days after the date of the City Manager's decision. Adjustment, if any, made by either the City Manager or the Council on appeal shall not reduce the charges for water consumed below the City's fixed cost for commodities and utilities for the additional water consumed.

*(Ord. 1073 – Nov. 15 Supp.)*

**92.05 BILLING FOR WATER SERVICE.** The City shall cause all meters in the waterworks system to be read on a monthly basis and the customer billed within five (5) days following the period for which service is billed. The Superintendent shall determine the billing period to be covered for the reading of meters within the City. All water bills shall be due and payable at the office of the Clerk within twelve (12) days from the date charges are billed following the period for which service is billed. Bills shall be delinquent on the thirteenth (13<sup>th</sup>) day following billing date.

*(Ord. 1074 – Nov. 15 Supp.)*

**92.06 SERVICE DISCONTINUED.** Water service to delinquent customers shall be discontinued or disconnected 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, the Clerk shall send a written notice to each delinquent customer that water service will

be discontinued or disconnected if payment, including late payment charges of 10%, is not received 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 or disconnection of service. Such written notice shall be sent by first class mail 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 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.

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 or a request for hearing before the City Clerk has not been made, the Water Department shall shut off or disconnect the water.

3. Fees. A reconnect/disconnect fee shall be required before service is restored to a delinquent customer during regular business hours. The fees are set forth in the fee schedule established by the Iowa Falls City Council for restoration of service 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 Iowa Falls City Council for restoration of service after regular business hours.

*(Ord. 1107 – Jan. 18 Su{pp.})*

**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.

*(Ord. 1045 – Oct. 13 Supp.)*

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder. *(Ord. 1088 – Dec. 16 Supp.)*

**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 ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer. *(Ord. 971 – Oct. 09 Supp.)*

*(Code of Iowa, Sec. 384.84)*

**92.10 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 a twenty-five dollar (\$25.00) fee collected for shutting the water off at the curb valve and a twenty-five dollar (\$25.00) fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be a minimum service fee charged but the meter fee shall not be charged. The water meter must be removed and deposited at City Hall.

*(Ord. 1011 – Aug. 12 Supp.)*