

## 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.** Water service shall be furnished at the following monthly rates to customers in the following groups:

*(Code of Iowa, Sec. 384.84)*

<i>Effective Dates</i>		<i>Spirit Lake</i>	<i>Orleans</i>	<i>Non-City</i>
<b><i>July 1, 2013 to June 30, 2014</i></b>	Customer Charge	\$12.48	\$16.60	\$18.72
	0 – 50,000 gal (per 1,000 gal)	\$5.68	\$7.55	\$8.52
	Over 50,000 gal (per 1,000 gal)	\$5.26	\$7.00	\$7.89
<b><i>July 1, 2014 and thereafter</i></b>	Customer Charge	\$12.98	\$17.26	\$19.47
	0 – 50,000 gal (per 1,000 gal)	\$5.91	\$7.86	\$8.86
	Over 50,000 gal (per 1,000 gal)	\$5.47	\$7.28	\$8.21

*(Ord. 4-2013 – Apr. 16 Supp.)*

Pursuant to a Potable Water Supply Agreement between the City of Orleans and the City of Spirit Lake, all Orleans water users are charged a surcharge of thirty-three percent (33%) over the charges imposed to users within the City of Spirit Lake. That surcharge is included in the foregoing rates. Pursuant to the Agreement, the City of Orleans may request the City of Spirit Lake to impose, collect, and pay over to the City of Orleans an additional charge to be determined from time to time by the City of Orleans.

*(Ord. 01-09 – Mar. 10 Supp.)*

**92.03 SERVICE OUTSIDE THE CITY.** Municipal water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at the rates shown in the table in Section 92.02. Customers who are provided water service from a supplier other than through

the City's municipal water supply shall be charged rates that equal the rate charged the City from the supplier, plus an amount determined by the Council to compensate for City administrative and other costs.

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)*

*(Ord. 12-2010 – Apr. 16 Supp.)*

**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 last working 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 the following month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time 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.

*(Ord. 05-08 – Mar. 10 Supp.)*

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property 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 in writing within ten (10) days after notice of the proposed disconnection, 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 in an amount established by resolution of the Council 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.

**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. The City shall charge a five dollar (\$5.00) administrative fee, which shall be added to the amount of the lien.

*(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.

*(Ord. 05-08 – Mar. 10 Supp.)*

*(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 in whose name the delinquent charges were incurred. 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. 05-08 – Mar. 10 Supp.)*

*(Code of Iowa, Sec. 384.84)*

**92.09 CUSTOMER DEPOSITS.** There may be required from customers a deposit in an amount and under circumstances as established by resolution of the Council, intended to guarantee the payment of bills for service.

*(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 stop when the property is expected to be vacant for an extended period of time. There shall be a fee, established by resolution of the Council, collected for shutting the water off at the curb stop and a fee, established by resolution of the Council, for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.