

CHAPTER 100

USER CHARGES AND FEES

100.01 General
100.02 Use of Funds
100.03 Establishment of Funds
100.04 Maintenance of Funds
100.05 Determination of Rates and Charges
100.06 Service Charges
100.07 Charges and Fees

100.08 Connection Fees
100.09 Cross and Lateral Sewer Connections
100.10 Use of Sewer Connection Charges
100.11 Where Connections Permitted
100.12 Violations
100.13 Special Agreements Permitted
100.14 Review of Charges

100.01 GENERAL. The cost and expense of financing the construction, maintenance and the operation of the Water Pollution Control Facilities as can be so paid shall be paid from funds accruing from collection of wastewater service charges hereinafter stipulated. Every person whose premises are served by a connection to the sanitary sewer system of the City, either directly or indirectly, shall pay to the City a comprehensive wastewater service charge for the use of and for services supplied by the Water Pollution Control Facilities of the City.

100.02 USE OF FUNDS. The operation, maintenance and replacement charges shall provide sufficient revenues to pay costs of operation on the Water Pollution Control Facilities and sewage pumping and to provide funds for replacement of major items of equipment. The operation and maintenance costs include salaries and fringe benefits, utility charges, chemicals, equipment repairs, maintenance and all other miscellaneous expenses resulting from the operation and maintenance of these facilities. Replacement of equipment shall be considered separate from operation and maintenance.

100.03 ESTABLISHMENT OF FUNDS. That portion of the total wastewater service charge collected which is designated for operation and maintenance including replacement purposes shall be deposited in a separate non-lapsing fund know as the *Sewer Fund*, and will be kept in separate accounts, as follows:

1. An account designated as the Operation and Maintenance Account for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the Water Pollution Control Facilities.
2. An account designated as the Replacement Account for the specific purpose of ensuring replacement needs over the useful life of the Water Pollution Control Facilities. Deposits in the Replacement Account shall be made at least annually from the operation, maintenance and replacement revenue.
3. An account designated as the Sinking Fund Bond Account for the specific purpose of holding funds for the repayment of Bond Debt Services of the Water Pollution Control Facilities. In addition to deposits required by resolutions authorizing issuance of sewer indebtedness, additional deposits shall be made annually from operation, maintenance, and replacement revenue in the amount equal to the principal and interest payable for each year is available for said payments..

100.04 MAINTENANCE OF FUNDS. Fiscal year-end balances in the Operation and Maintenance Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purpose than those designated for these accounts.

100.05 DETERMINATION OF RATES AND CHARGES. Each connection to the POTW shall pay user charges in accordance with the following schedule:

1. For those users of water being billed on a monthly basis, the maximum monthly rate shall be based on one hundred (100) percent of the monthly water consumption. Industrial users will be billed on actual sewer discharge consumption unless otherwise approved by the Council.
2. Any special or private contracts shall be metered at the user's expense.
3. Users whose premises are served by a private water system shall pay sewer service charges based upon the water used as determined by the City either by an estimate agreed to by the user or by metering the water system at the user's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

4. **Payment of Bills.** All service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.
5. **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 shall be certified by the City Clerk to the County Treasurer for collection in the same manner as property taxes.
6. **Surcharges.**
 - A. A surcharge for industrial wastewaters, in excess of domestic strength and containing no such chemical or other substances as would interfere with the proper operation of the purifying plant, shall be computed according to the contracts developed between the City and the industries pursuant to Section 100.13 hereof.
7. For all users identified by the City as contributors to the lagoon treatment facilities as pertains to the capital improvements. Therefore, in the event any user so identified, should close its plant and/or cease operations, the user(s) shall continue to pay the capital-cost-recovery charge until all capital improvement obligations incurred by the City for the lagoons have been paid in full.
8. Rates for unusual use may be established pursuant to Iowa Code Section 384.84(6)(a)(2), as outlined in Section 100.13 hereof.

100.06 SERVICE CHARGES. Unit rates for wastewater shall be assessed to all customers and users of the wastewater facility in an equitable manner according to the following schedule. The rate schedule will be reviewed on an annual basis. The staff will make recommendations to the Council concerning any needed modifications. A copy of the rate schedule will be available at the office of the City Clerk.

Residential, Commercial & Industrial Rates

Effective on the bills after 6-18-08

Monthly Minimum	
First 1,000 gallons or less	\$25.00
Commodity Charge	
Over 1,000 gallons	\$ 6.50

100.07 CHARGES AND FEES. The City may adopt charges and fees, which may include:

1. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.
2. Fees for monitoring, testing, inspections and surveillance procedures.
3. Fees for reviewing accidental discharge procedures and construction.
4. Fees for permit applications.
5. Fees for filing appeals.
6. Fees to specific contributing industrial users for consistent removal, by the City, of pollutants otherwise subject to federal categorical pretreatment standard.
7. Other fees as the City may deem necessary to carry out the requirements contained herein.
8. **City's Scheduling of Fees.** These fees relate solely to the matters identified above and are separate from all other fees chargeable by the City.
 - A. A surveillance monitoring fee of three hundred fifty dollars (\$350.00) per installation of equipment shall be assessed against each user for which the City, rather than the user, installs surveillance monitoring equipment for the purpose of conducting wastewater sampling.

- B. A sample fee of one hundred thirty dollars (\$130.00) per site visit for the purpose of wastewater sample collection shall be assessed against each user.
- C. Fees for investigating accidental discharges shall be based on the time expended at twenty-three dollars (\$23.00) per hour.
- D. Laboratory testing fees shall be based on actual expenses incurred for each parameter tested as specified in a fee schedule which the City shall approve and issue from time to time.
- E. Construction permit fee shall be assessed in the amount of twenty-five dollars (\$25.00) for residential and commercial permits or seventy-five dollars (\$75.00) for an industrial permit to the City to cover cost of issuing the permit and supervising, regulating and inspecting the work.
- F. A wastewater discharge permit application fee shall be assessed each request for a wastewater discharge permit in the amount of twenty-five dollars (\$25.00). Renewal wastewater discharge permit applications for permit renewal shall be assessed for each request in the amount of two hundred dollars (\$200.00). An additional fee shall be assessed in the amount of one hundred dollars (\$100.00) for past due applications.
- G. An appeal filing fee shall be assessed in the amount of one hundred dollars (\$100.00).

100.08 CONNECTION FEES. Building Sewer Connection; Determination. The charge for making connection to an existing public sewer in the near vicinity of a property for which it is desired that service be provided shall be determined as follows:

- 1. Where the property to be served **has been specifically assessed** for the sewer facilities prior to the time of the application for connection, or there is a Developer's Agreement in place, there shall be no additional connection charge. However, if at the time of assessment, a deficiency was allowed, then the sewer connection fee shall be equal to the deficiency previously allowed.
- 2. Where the property to be served has not been assessed and said **sewer was built through assessments**, the connection charge shall be equal to the charge assessed to said property as recorded on the associated Assessment Schedule.
- 3. Where the property to be served has not been subject to assessment for the cost of the public sewer and the cost thereof **was paid by revenue funds and/or general taxation**, the sewer connection charge shall be:
 - A. Commercial - \$1,000.00
 - B. Residential - \$500.00
 - C. Multi-family Dwellings - \$100.00/unit with a minimum of \$500.00

100.09 CROSS AND LATERAL SEWER CONNECTION CHARGES. Before a permit for a new cross or lateral sewer connection to a main sewer shall be granted, the applicant shall have complied with the terms and conditions for such connection established by the Council. Such terms and conditions may include, but not be limited to, engineering design, construction standards, requirements for inspection of construction of the applicant's sewer, and the setting of equitable fees to be paid for the right to connect to public sewer and all facilities to which the sewer will be contributory.

100.10 USE OF SEWER CONNECTION CHARGES. Such charges shall be due without regard to whether the facilities involved, trunk sewers or POTW have been paid for in full or whether prior assessments and other resources will cover all costs for such facilities. Connection charges shall be deemed a refund of amounts yet to be or previously paid by the City from its funds for the additional service made available to the applicant.

100.11 WHERE CONNECTIONS PERMITTED. No building sewer connection shall be made to a public sanitary sewer which is not in front of the property to be served unless the public sewer cannot feasibly be extended and the building sewer can be connected without creating difficulties for other utilities in the street or unless any such difficulties are offset by a definite public advantage in having the connection. No building sewer shall be connected directly into a manhole more than six (6) inches above the flow line

therein. Where a public sewer is extended by an applicant at this own expense, it shall be constructed in accordance with the specifications of the City for public sewers and connection charges may be reduced by the cost thereof, in whole or in part.

100.12 VIOLATIONS. Any person, firm, or corporation who shall make a connection without paying connection charges due under this chapter or in any manner violate the other terms of this chapter shall be in violation of this Code of Ordinances.

100.13 SPECIAL AGREEMENTS PERMITTED. No statement in this chapter shall be construed as preventing a special agreement, arrangement or contract pursuant to Iowa Code Section 384.84(6)(a)(2) between the City and any industrial concern whereby an individual waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council. Contractual rates in effect as of the effective date of the ordinance codified in this chapter are hereby ratified and confirmed.

100.14 REVIEW OF CHARGES. The charges or rates shall be reviewed not less than biennially and adjusted and maintained so as to be sufficient in each year for payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of the Water Pollution Control Facilities, for the payment of the requirements of a sinking fund to meet principal and interest and other charges for outstanding bonds issued to pay the cost of construction of said facilities, and to build up and maintain a requisite depreciation fund. Annually, in conjunction with a regular billing, the City shall notify each user of the component charges which comprise the wastewater service charge.

(Ch. 100 - Ord. 639-08 - Oct.. 08 Supp.)