

## ORDINANCE 2023-04

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLERMONT, IOWA, BY AMENDING PROVISIONS PERTAINING TO WATER AND SEWER CHARGES.

**BE IT ENACTED** by the City Council of the City of Clermont, Iowa:

**SECTION 1. SECTION MODIFIED.** Chapter 92.01, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**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)*

**SECTION 2. SECTION MODIFIED.** Chapter 92.02, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**92.02 RATES FOR SERVICE.** Each customer shall pay water service charges for the use of and for the service supplied by the municipal water system. Charges shall be based upon the amount and rate of water consumed each month of a fiscal year, as follows:

*(Code of Iowa, Sec. 384.84)*

1. For the first 1,000 gallons or lesser amount per month, a flat rate of \$17.07.
2. For each 1,000 gallons or fraction thereof over the first 1,000 gallons per month, an additional charge of \$6.57 per each 1,000 gallons over minimum (round fractions up).
3. Capital Improvement Fee – a flat rate of \$6.00 per month.

**SECTION 3. SECTION MODIFIED.** Chapter 92.03, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**92.03 RATES OUTSIDE THE CITY AND BULK RATES.**

1 Rates Outside City Limits. Water service shall be provided any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates provided in Section 92.02. 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.

2. Bulk Water Rates for Tanker Dispersal. Water service shall be provided to any customer located outside the corporate limits of the City upon approval and supervision of the City Superintendent.

Rates for bulk water shall be:

1. For the first 1,000 gallons or lesser amount, a flat rate of \$75.00.
2. For each 1,000 gallons or fraction thereof over the first 1,000 gallons per quarter, an additional charge of \$12.00 per each 1,000 gallons over minimum (round fractions up).

*(Code of Iowa, Sec. 364.4[2] & 384.84)*

**SECTION 4. SECTION MODIFIED.** Chapter 92.04, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**92.04 BILLING FOR WATER SERVICE.** Water service shall be billed as part of a combined service account, payable in accordance the following:

*(Code of Iowa, Sec. 384.84)*

1. Meters Read. Water meters shall be read by remote radio reader by a City employee during the last week of each month.
2. If a new customer has water turned on less than 13 days of the month, they will not be issued a minimum bill for combined service accounts. Their water/sewer usage for the first month will be added to the second months usage and billed.
2. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of the month.
3. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk or the Kerndt Brothers Savings Bank of Clermont on or before the 15<sup>th</sup> day of the month.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of eighteen percent (18%) of the amount due shall be added to each delinquent bill per month.

**SECTION 5. SECTION MODIFIED.** Chapter 92.05(1 and 4), of the Code of Ordinances of the City of Clermont, Iowa, are repealed and the following adopted in lieu thereof:

**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. On the 17th day of the month 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 within 12 days. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. After the 12 days, if the bill is still not paid, and no request for hearing has been made, the Superintendent shall disconnect the water at the curb stop.

4. Fees. If the Superintendent must go out to shut off the delinquent account, a \$50.00 service charge shall be applied to the account and the account must be paid in full in order to restore the water service. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

**SECTION 6. SECTION MODIFIED.** Chapter 92.06, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**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.

**SECTION 7. SECTION MODIFIED.** Chapter 92.09, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**92.09 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. A service charge of fifty dollars (\$50.00) shall be

charged for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge for water or sewer; however, garbage charges will still be billed even if water is shut off at the curb valve. The City will not drain the pipes or pull meters for temporary vacancies.

**SECTION 8. SECTION ADDED.** Chapter 92.10, of the Code of Ordinances of the City of Clermont, Iowa, is added:

**92.10 UTILITY DEPOSITS.** A utility deposit is required of all tenants in the following amounts: NOTE: Driver’s License and/or Iowa DOT ID will be required for utility service.

<b>Deposit WITH Social Security Card Provided</b>	<b>Deposit WITHOUT Social Security Provided</b>
\$ 100.00	\$ 300.00

The deposit will be refunded when the following conditions are met:

1. Tenant moves out and pays the final bill in full.
2. The tenant has not incurred any late charges. (If any late charges have been applied, the deposit is forfeited.)

**SECTION 9. SECTION MODIFIED.** Chapter 99.02, of the Code of Ordinances of the City of Clermont, Iowa, is repealed and the following adopted in lieu thereof:

**99.02 RATES FOR SERVICE.** Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system. Charges shall be based upon the amount and rate of water consumed each month of a fiscal year, as follows:

1. For the first 1,000 gallons or lesser amount per month, a flat rate of \$17.07.
2. For each 1,000 gallons or fraction thereof over the first 1,000 gallons per month, an additional charge of \$6.57 per each 1,000 gallons over minimum (round fractions up).
3. Capital Improvement Fee – a flat rate of \$6.00 per month.

**SECTION 10. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 11. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council this 22<sup>nd</sup> day of January 2024.

*James J. Matt*  
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 Mayor James Matt



ATTEST:  
*Jenean Niedert*  
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 Jenean Niedert, MMC, ICMC  
 City Clerk

I certify that the foregoing was posted as Ordinance 2023-04 on the 22<sup>nd</sup> day of January 2024.

*Jenean Niedert*  
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 Jenean Niedert, MMC, ICMC  
 City Clerk

12-18-2023	Aye	Nay	Abstain	Absent
Larson	X			
Schrader	X			
Schott	X			
Cummings	X			
Taylor	X			

1-8-2024	Aye	Nay	Abstain	Absent
Larson	X			
Schrader	X			
Schott	X			
Cummings	X			
Mitts				X

1-22-2024	Aye	Nay	Abstain	Absent
Larson	X			
Schrader	X			
Schott	X			
Cummings	X			
Mitts	X			