

32. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 548, Article I, Sections 1 through 22, 10-11-76; Ord. No. 740, Section 1, 10-24-83.)

33. Waterworks shall mean any devices, systems used for the production, storage, treatment, and distribution of potable water. (Ord. No. 1010, 02-10-2003.)

SECTIONS 7-3 - - 7-9. Reserved.

## ARTICLE II

### WATER

#### SECTION 7-10 WATER RATES

1. Prior to the First of May of each year, the City Administrator shall calculate an adjustment to increase access and usage charges by 2% over the current fiscal year, and shall submit the adjusted rates for City Council review. Said adjustment shall be effective on the first day of the following fiscal year, July 1st, unless the City Council affirmatively passes an ordinance to increase, decrease or otherwise modify said access or usage charges.

2. The following rates shall be effective July 1, 2017, until adjusted pursuant to subparagraph (1), above:

- A. Infrastructure Fee per account: \$6.00 per month
- B. 20<sup>th</sup> Street Lift Station Fee per account \$2.00 per month
- C. Usage charges for water furnished to **user located within boundaries** of the City of Oelwein:

Rate over 75 cubic

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>feet per 100 cubic feet</u> |
|--------------------|----------------------------------|--------------------------------|
| 2017-2018          | \$8.39                           | \$3.34                         |
| 2018-2019          | \$8.56                           | \$3.41                         |
| 2019-2020          | \$8.73                           | \$3.48                         |
| 2020-2021          | \$8.90                           | \$3.55                         |
| 2021-2022          | \$9.08                           | \$3.62                         |
| 2022-2023          | \$9.26                           | \$3.69                         |
| 2023-2024          | \$9.45                           | \$3.76                         |
| 2024-2025          | \$9.64                           | \$3.84                         |

- D. Charges for water furnished to **user located outside the boundaries** of the City of Oelwein:

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2017-2018          | \$16.13                          | \$6.66  |
| 2018-2019          | \$16.45                          | \$6.79  |
| 2019-2020          | \$16.78                          | \$6.93  |
| 2020-2021          | \$17.12                          | \$7.07  |
| 2021-2022          | \$17.46                          | \$7.21  |
| 2022-2023          | \$17.81                          | \$7.35  |
| 2023-2024          | \$18.17                          | \$7.50  |
| 2024-2025          | \$18.53                          | \$7.65  |

- E. Charges for water furnished to **high volume user located within boundaries** of the City of Oelwein (in excess of 100,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2017-2018          | \$8.39                           | \$3.28  |
| 2018-2019          | \$8.56                           | \$3.35  |
| 2019-2020          | \$8.73                           | \$3.42  |
| 2020-2021          | \$8.90                           | \$3.49  |
| 2021-2022          | \$9.08                           | \$3.56  |
| 2022-2023          | \$9.26                           | \$3.63  |
| 2023-2024          | \$9.45                           | \$3.70  |
| 2024-2025          | \$9.64                           | \$3.77  |

- F. Charges for water furnished to a **high volume user located outside the boundaries** of the City of Oelwein (in excess of 100,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2017-2018          | \$15.71                          | \$6.57  |
| 2018-2019          | \$16.02                          | \$6.70  |
| 2019-2020          | \$16.34                          | \$6.83  |
| 2020-2021          | \$16.67                          | \$6.97  |

|           |         |        |
|-----------|---------|--------|
| 2021-2022 | \$17.00 | \$7.11 |
| 2022-2023 | \$17.34 | \$7.25 |
| 2023-2024 | \$17.69 | \$7.40 |
| 2024-2025 | \$18.04 | \$7.55 |

G. Charges for water furnished to **high volume user located outside boundaries** of the City of Oelwein (in excess of 150,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per<br/>100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$15.10                          | \$6.31  |
| 2016-2017          | \$15.40                          | \$6.44  |
| 2017-2018          | \$15.71                          | \$6.57  |
| 2018-2019          | \$16.02                          | \$6.70  |
| 2019-2020          | \$16.34                          | \$6.83  |
| 2020-2021          | \$16.67                          | \$6.97  |
| 2021-2022          | \$17.00                          | \$7.11  |
| 2022-2023          | \$17.34                          | \$7.25  |
| 2023-2024          | \$17.69                          | \$7.40  |
| 2024-2025          | \$18.04                          | \$7.55  |

H. Charges for water furnished to **high volume user located within boundaries** of the City of Oelwein (in excess of 150,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per<br/>100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$8.07                           | \$3.01  |
| 2016-2017          | \$8.23                           | \$3.07  |
| 2017-2018          | \$8.39                           | \$3.13  |
| 2018-2019          | \$8.56                           | \$3.19  |
| 2019-2020          | \$8.73                           | \$3.25  |
| 2020-2021          | \$8.90                           | \$3.32  |
| 2021-2022          | \$9.08                           | \$3.39  |
| 2022-2023          | \$9.26                           | \$3.46  |
| 2023-2024          | \$9.45                           | \$3.53  |
| 2024-2025          | \$9.64                           | \$3.60  |

(Ord. No. 529, Section 1, 12-8-75; Ord. No. 558, Section 1, 2-28-77; Ord. No. 574, Section 1, 11-28-77; Ord. No. 724, Section 1, 3-28-83; Ord. No. 739, Sections 1 and 2, 10-24-83; Ord. No. 888, 08-09-93; Ord. No. 958, Section 1, 03-12-1998; Ord. No. 985, Section 1, 07-24-2000; Ord. No. 1003, 05-13-2002; Ord. No. 1010, 02-10-2003; Ord. No. 1016; Ord. No. 1031, 04-12-2004;

Ord. No. 1050, 05-09-2005; Ord. No. 1055, 03-27-2006; Ord. No. 1080, 04-09-2007; Ord. No. 1093, 04-28-2008; Ord. No. 1099, 12-23-2008; Ord. No. 1110, 5-24-2010; Ord. No. 1135, 6-8-2015; Ord. No. 1142, 03-28-2016; Ord. No. 1152, 06-12-2017; Ord. No. 1158, 12-18-2017.)

#### SECTION 7-11. ESTIMATE OF CHARGE WHEN METER OUT.

The charge for water used on any premises during the time the meter is disconnected for testing or repairs, shall be computed by the superintendent of waterworks by an estimate to be made by the superintendent based upon previous consumption of water by the same consumer and shall be prorated on such basis according to the length of time such meter is disconnected. (Ord. No. 233, Section 7, 1-3-33.)

#### SECTION 7-12. PENALTY FOR UNPAID BILLS (WATER).

A penalty established by council resolution shall be added to all unpaid bills after the fifteenth day of the month following the service period. In the event, the fifteenth of the month referred to herein shall fall on a Saturday, Sunday or legal holiday, no such penalty shall be applied if the bill is paid, in full, on the first business day following.

In addition, a door tag fee, established by council resolution shall be assessed for those customers receiving disconnection notices. The fee shall cover costs of printing, delivering and posting the notices. (Ord. No. 1003, 05-13-2002; Ord. No. 1010, 02-10-2003; Ord. No. 1116, 5-12-2011.)

#### SECTION 7-13. MONTHLY BILLING .

All water and sewer customers will be billed monthly and charges are payable monthly at the office of the city clerk of the City of Oelwein.

(Ord. No. 529, Section 3, 12-8-75; Ord. No. 558, Section 3, 2-28-77; Ord. No. 574, Section 3, 11-28-77; Ord. No. 589, Section 1, 8-14-78; Ord. No. 795, 6-22-87; Ord. No. 1010, 02-10-2003.)

Cross references - - Landfill and Recycling charges, Section 16-40; Billing for sewer services, Section 7-40.

#### SECTION 7-14. LIABILITY.

1. The owner or owners of real estate, whether individual, partnership or corporation shall be liable in each case for failure to pay the water rent when the same becomes due. In the event of non-payment, a written notice of intent, allowing the water customer ten (10) days in which to make payment, will be mailed to the customer. At the end of ten (10) days, the water will be disconnected. Water service will not be restored until the entire water rent and penalty and additional scheduled fee, established by council resolution, for such restoration are paid in full.

2. In addition, any water rates, penalties and charges, if not paid as herein provided, when due, shall constitute a lien upon the premises and shall be filled and collected as provided in Section 7-47.

3. Shutoff for emergency repairs. The City may shut off the water supply at any time for emergency repairs, additions or services without notice to customers and shall not be held responsible for any damage occasioned thereby.

4. Responsibility of water department.

A. The water department shall not be liable for any damage to the property of the consumer or others caused by open, unconnected, broken, damaged or leaky fixtures of consumer upon the premises of any consumer. The water department may charge for all water supplied to consumer through a meter, even though the water is wasted because of broken, damaged or open fixtures of consumer.

B. All consumers having an arrangement for a pressure boiler in connection with their water shall have a tank from which to feed any boiler. The water department shall not be responsible for the safety of any boiler on the premises of consumer.

(Ord. No. 529, Section 4, 12-8-75; Ord. No. 558, Section 4, 2-28-77; Ord. No. 574, Section 4, 11-28-77; Ord. No. 781, 10-27-86; Ord. No. 835, 1-14-91; Ord. No. 938, 5-12-1997; Ord. No. 1010, 02-10-2003; Ord. No. 1116, 5-12-2011.)

#### SECTION 7-15. INSPECTION OF METERS.

1. It shall be the duty of the superintendent of waterworks, his deputy, or authorized agent to inspect all water meters used in the City of Oelwein, Iowa, as often as may be found necessary.

2. The superintendent, his deputy or authorized agent, shall have the authority to enter the premises of any customer at reasonable hours to read the city meter or to remove or change a meter in the pursuit of a maintenance program or to protect the city's meter from damage or loss.

3. The superintendent, his deputy or authorized agent, may shut off the supply of water to the customer without notice when the customer is found to be using water consuming equipment in a manner adversely affecting the utility's system or its ability to serve others, such as cross-connections, backsiphonage, wastage to the extent of drastically reducing water pressure, or any other action so affecting the safety or proper operation of the system; and the water supply shall not be restored until the customer has corrected the condition. The superintendent, his deputy or authorized agent, may likewise shut off the water supply to a customer for violation of or non-compliance with the rules by said customer or for failure of the customer to permit the superintendent, his deputy or authorized agent, reasonable access to the customer's premises for the purposes enumerated above, provided the superintendent shall have given written notice allowing five (5) days from the date of mailing or personal notice to comply,

Sundays or holidays excepted. (Ord. No. 529, Section 5, 12-8-75; Ord. No. 558, Section 5, 2-28-77; Ord. No. 574, Section 5, 11-28-77; Ord. No. 848, 06-10-91.)

#### SECTION 7-16. METER ACCURACY AND TEST.

All water shall be supplied through meters that accurately measure the amount of water supplies to any building. The superintendent or his assistant shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of ten (10) per cent more, the cost of the tests shall be paid by the city, and a refund shall be made to the customer for overcharges collected since the last known date of accuracy, but not for longer than six (6) months. If the meter is found to be accurate or slow or less than ten (10) per cent fast, the patron shall pay the cost of removing, replacing and testing of the meter. The scheduled fees for the accuracy test shall be established by council resolution. (Ord. No. 529, Section 6, 12-8-75; Ord. No. 558, Section 6, 2-28-77; Ord. No. 574, Section 6, 11-28-77; Ord. No. 1010, 02-10-2003; Ord. No. 1116, 5-12-2011.)

#### SECTION 7-17. OBSTRUCTING METER.

All water meters within the city shall be kept free from obstruction and ease of access at all times for the purpose of reading and inspection. If upon receiving a written request from the Utility Superintendent to install, or move, at the city's expense, an external register is denied a twenty five dollar (\$25.00) service fee will be assessed for each additional trip required to acquire the reading. Any person who places an obstruction in front of or over any water meter, so as to interfere with the reading or inspection of the same, or who allows any accumulation of earth to be deposited over any water meter, shall be deemed guilty of a misdemeanor. The provisions of this section shall not apply to coverings placed over or around water meters, so as to prevent the same from freezing, but such coverings shall not be placed around meters before the first day of November, and shall be removed before the first day of April of each year, or such coverings shall be deemed an obstruction and in violation of the provisions of this section. (Ord. No. 233, Section 2, 1-3-33; Ord. No. 1010, 02-10-2003.)

#### SECTION 7-18. METER SEALS - - REQUIRED.

It shall be the duty of the superintendent of waterworks and his assistants to see that all water meters now in use in the city and all meters hereafter installed, replaced or repaired, are sealed with a proper seal for the purpose of preventing the tampering with such meters. (Ord. No. 253, Section 1, 3-2-36.)

#### SECTION 7-19. SAME - - TAMPERING, ETC.

It shall be unlawful for any person except the superintendent of water works and his assistants to tamper with, destroy or remove the seal on any water meter. (Ord. No. 253, Section 2, 3-2-36.)

#### SECTION 7-20. SAME - - PRESUMPTION AGAINST OWNER.

When any seal is found broken, removed or destroyed on any water meter, it shall be presumed until the contrary is proved that such seal was broken, removed or destroyed by the head of the family or firm occupying the premises wherein such meter is located or that such seal has been broken, removed or destroyed on the order and with the knowledge and consent of the head of such family or firm. (Ord. No. 253, Section 3, 3-2-36.)

#### **SECTION 7-21. REPAIR AND REPLACEMENT OF METERS - - RESPONSIBILITY FOR COST.**

When any water meter is found to be out of repair or not registering properly, the superintendent of waterworks, or his assistants, shall cause said meter to be disconnected and repaired. Such meter shall be repaired or replaced without cost to the user thereof, unless the defective condition of such meter is due to freezing, overheating, or other negligence on the part of the property owner or tenant, in which case, a trip fee established by council resolution, and cost of repairing and replacing such meter shall be charged to such party, and shall be a charge against the property on which the meter is located, until paid. (Ord. No. 233, Section 3, 1-3-33; Ord. No. 1116, 5-12-2011.)

#### **SECTION 7-22. SAME - - ASSESSING AND COLLECTING COST.**

Whenever the cost of repairing a meter or of removing and replacing the same is assessed against the property owner or tenant of premises, under the provisions of Section 7-21, such costs shall be assessed and collected in the same manner as the charge for water used on said premises, and if such owner or tenant fails to pay such cost after having been given twenty (20) days' notice by mail to do so, the superintendent of waterworks, or his deputies, shall be authorized to cut off the water service until the costs of such repairs is paid together with a penalty for the cutting off service and an additional fee for reconnecting the water service. Said penalty and fees shall be established by council resolution. (Ord. No. 233, Section 1, 1-3-33; Ord. No. 525, Section 1, 9-3-75; Ord. No. 835, 1-14-91; Ord. No. 1010, 02-10-2003; Ord. No. 1116, 5-12-2011.)

#### **SECTION 7-23. CONNECTION TO WATER SYSTEM**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may be in the future be located a public water system of the city is hereby required at his expense to install suitable water facilities therein, and to connect such facilities directly with the proper public water system in accordance with the provisions of this article, within one (1) year after date of official notice of availability, or in cases of annexation the property owner may have up to five years to connect, provided that said public water is within two hundred (200) feet of the above structures. (Ord. No. 1010, 02-10-2003.)

#### **SECTION 7-24. WATER SHUTOFF VALVES REQUIRED**

1. Separate Water Shutoff Valve – Condition of Service. As a condition of water service, each customer must have a separate functioning water shutoff valve which provides a means of turning off entirely water service to the customer’s premises. Premises separated into multiple independent units and served by a single water service line, must have a separate functioning water shutoff valve which provides a means of turning off entirely water service to each separate unit.

2. City Access. The owner of the real estate and each customer must maintain the water shutoff valve required by this Section in an area accessible to the city. Any property owner or customer receiving water service from the city has, by acceptance of water service, granted to the city an easement for unrestricted access to the water shutoff valve.

3. Penalty. In the event a property owner or customer fails to install and maintain a separate functioning water shutoff valve, or interferes with the city’s access to a water shutoff valve, shall be grounds for terminating said customer’s water service, and in addition, such non-compliance by the property owner or customer shall constitute a municipal infraction punishable pursuant to Oelwein Ordinance 1-10. Each day a violation occurs or continues shall be deemed a separate offense.

(Ord. No. 248, Section 2, 4-1-35; Ord. No. 525, Sections 2 and 3, 9-8-75; Ord. No. 658, Section 1, 4-28-80; Deleted – Ord. No. 864, Section 1, 04-13-93; Ord. No. 1120, 6-26-2012.)

#### SECTION 7-25. SAME - - LOCATION IN RELATION TO CURB.

All service boxes for water services shall be installed inside the curblin within one foot (1’) of the existing sidewalk or four feet (4’) from the property line and with the top of such service boxes not more than four inches “4”) above the curb grade and not less than flush with the curb grade. The service box shall be accessible at all times. If the resident/homeowner, after receiving three days written notice, has not made the service box accessible the City will take appropriate action to gain access. All cost incurred by the City in this action will be billed to the resident/homeowner. (Ord. No. 809, 5-10-88; Ord. No. 1010, 02-10-2003.)

#### SECTION 7-26. SAME - - SERVICE PIPE SPECIFICATIONS AND PROTECTION.

Services smaller than two inches (2”) from the Curb stop to the main shall be of a Type K Copper tubing of at least three-fourths (3/4”) pipe. Services from the Curb stop to the structure shall be Type K Copper tubing, ductile, brass, PVC or polyethylene meeting AWWA C-900, C.T.S. 200 PSI NSF high density PE 3408 SIDR-7, ASTM 2239 or equal or other materials as approved by the Water Superintendent or designee. All services must be laid at least five and one-half feet (5 ½’) below the surface of the ground and protected so as to prevent rupture by freezing. All non-metallic services shall have a tracer wire. Pipe couplings shall not be allowed under concrete or asphalt surfaces, such as streets, driveways, sidewalks, alleys or floors. Non-metallic pipe shall not pass through foundation or flooring unless properly sleeved. A label shall be fastened to the main electric meter panel stating “this structure has a non-metallic water service”. The appropriate grounding shall also be installed per electrical codes. All items such



as parts, fittings and tracer wire shall be installed and of items as specified by the Water Superintendent or his designate. (Ord. No. 978, 02-14-2000; Ord. No. 1125, 11-18-2013.)

#### SECTION 7-27. WATER TAPS.

All taps into the municipal water mains shall be made by the utility superintendent, or his designee. Allowable tape sizes shall be determined by the city. No water main shall receive larger than a one-inch (1") tap. All taps on the same side of the main shall be at least eighteen inches (18") apart. Taps on opposite sides of the main, shall not be within four (4") inches of a point opposite any pre-existing tap. Water mains must be tapped near the mid-point between the top and bottom of said main and more than twelve inches from an existing bell or hub. The tapping fee shall be one hundred forty dollars (\$140.00) plus itemized cost of materials. (Ord. No. 248, Section 6, 4-1-35; Ord. No. 864, Section 2, 4-13-93; Ord. No. 1010, 02-10-2003; Ord. No. 1125, 11-18-2013.)

#### SECTION 7-28. SAME - - RESPONSIBILITY FOR COST.

The expense for both material and labor of installing service boxes and for service pipes from the water main to and including the service box in the first instance, shall be paid by the property owner, or other person ordering such installation. The expense of replacing or repairing service boxes and pipes between the water main and up to and including the service box shall be paid by the city except as provided in Section 7-21. The expense for material and labor for installing, replacing or repairing the remainder of the service from the service box into the point where the service is desired shall be paid by the property owner on whose property such service is installed and shall be a lien against such property until paid, except replacement of a water meter which has been damaged or proven to be defective not as a result of a property owner's negligence or intentional act. Whenever a leak is determined to be the homeowners they shall have seven (7) days from notification to repair said leak, the Utilities Superintendent, or his designee, shall be authorized to disconnect the water service until such repairs are made and the current rates for disconnection and reconnection of the water service will also be assessed. If it is determined that the leak is detrimental to the City's water system or public or private properties the water service shall be immediately disconnected. (Ord. No. 248, Section 4, 4-1-35; Ord. No. 835, 1-14-91; Ord. No. 1010, 02-10-2003.)

#### SECTION 7-29. EXCAVATIONS.

Excavations performed to determine whose line is leaking shall be charged to the person owning the leaking line at current rates being charged by the city for its equipment and labor. (Ord. No. 795, 6-22-87; Ord. No. 1010, 02-10-2003.)

#### SECTION 7-30. SERVICES OUTSIDE CITY LIMITS.

Persons receiving service outside the city limits shall be deemed to have accepted the requirements of the water service and rate ordinance, shall comply with the State plumbing code and rules by the Council and its authorized officers. (Ord. 826, 10-10-89; Ord. No. 909, 1-23-95.)

SECTIONS 7-31 - - 7-39. Reserved.

### ARTICLE III

#### SANITARY SEWERAGE\*

\*Cross reference - - Chapter 12, Article II, Plumbing, Electrical and Mechanical Work.

#### SECTION 7-40. RATES AND CHARGES - - DETERMINATION OF RE COSTS, USAGE.

1. The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works, which the city may by ordinance designate to be paid by the user charge system. The portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this section.

That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Article III, shall be deposited in a separate non-lapsing fund known as the operation, maintenance and replacement fund and will be kept in an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (operation and maintenance account).

2. Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

3. Each user shall pay for the services provided by the city based on his use of the sewage treatment works as determined by water meter(s) acceptable to the city. (Ord. No. 1010, 02-10-2003.)

4. For residential contributors, user charges shall be based on water used during the current month.

5. If a residential contributor has a consumptive use of water, or in some other manner uses water which is not returned to the waste water collection system, the user charge for that contributor may be based on a separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City. (Ord. No. 822, 6-27-89.)

6. For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the waste water collection system, the user charge for that contributor may be based on a waste water meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the city. (Ord. No. 309, Section 3, 6-10-50; Ord. No. 740, Section 2, 10-24-83; Ord. No. 822, 6-2789; Ord. No. 909, 1-23-95.)

Cross reference - - Meter reading, Section 7-13; Rates and charges - - time, place of payments; separate accounts, Section 7-42.

#### SECTION 7-41      SAME -- SURCHARGES: SCHEDULES

1. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's sewage treatment works, or any user which discharges any substance which is singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge of each such user shall be as determined by the responsible plant operating personnel and approved by the city council.

2. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

23.34 cents per pound BOD  
23.34 cents per pound SS  
40.00 cents per pound TKN

Any wastewater contributor accounts listed on the City's DNR wastewater Operating permit and/or requiring special effluent testing shall reimburse the City or pay the testing laboratory directly for the actual costs of said special tests.

Leachate received from the Fayette County Landfill shall be assessed a charge of \$0.0092 per gallon, in addition to the applicable BOD surcharge as computed above.

3. Users who do not have metered city water shall install water meters as specified in the Oelwein Code of Ordinances for sewer billing purposes.

4. Prior to the First of May of each year, the City Administrator shall calculate an adjustment to increase access and usage charges by 2% over the current fiscal year, and shall submit the adjusted rates for City Council review. Said adjustment shall be effective on the first day of the following fiscal year, July 1st, unless the City Council affirmatively passes an ordinance to increase, decrease or otherwise modify said access or usage charges.

5. The following rates shall be effective July 1, 2015, until adjusted pursuant to subparagraph (1), above:

- A. Usage charges for sewer furnished to user located within boundaries of the City of Oelwein:

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$13.22                          | \$5.50  |
| 2016-2017          | \$13.48                          | \$5.61  |
| 2017-2018          | \$13.75                          | \$5.72  |
| 2018-2019          | \$14.03                          | \$5.83  |
| 2019-2020          | \$14.31                          | \$5.95  |
| 2020-2021          | \$14.60                          | \$6.07  |
| 2021-2022          | \$14.89                          | \$6.19  |
| 2022-2023          | \$15.19                          | \$6.31  |
| 2023-2024          | \$15.49                          | \$6.44  |
| 2024-2025          | \$15.80                          | \$6.57  |

- B. Charges for sewer furnished to user located outside the boundaries of the City of Oelwein:

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$28.39                          | \$5.50  |
| 2016-2017          | \$28.96                          | \$5.61  |
| 2017-2018          | \$29.54                          | \$5.72  |
| 2018-2019          | \$30.13                          | \$5.83  |
| 2019-2020          | \$30.73                          | \$5.95  |
| 2020-2021          | \$31.34                          | \$6.07  |
| 2021-2022          | \$31.97                          | \$6.19  |
| 2022-2023          | \$32.61                          | \$6.31  |
| 2023-2024          | \$33.26                          | \$6.44  |
| 2024-2025          | \$33.92                          | \$6.57  |

- C. Charges for sewer furnished to high volume user located within boundaries of the City of Oelwein (in excess of 100,000 cubic feet, but less than 150,000 cubic feet, consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$13.22                          | \$5.26  |
| 2016-2017          | \$13.48                          | \$5.37  |
| 2017-2018          | \$13.75                          | \$5.48  |
| 2018-2019          | \$14.03                          | \$5.59  |

|           |         |        |
|-----------|---------|--------|
| 2019-2020 | \$14.31 | \$5.70 |
| 2020-2021 | \$14.60 | \$5.81 |
| 2021-2022 | \$14.89 | \$5.93 |
| 2022-2023 | \$15.19 | \$6.05 |
| 2023-2024 | \$15.49 | \$6.17 |
| 2024-2025 | \$15.80 | \$6.29 |

- D. Charges for sewer furnished to a high volume user located outside the boundaries of the City of Oelwein (in excess of 100,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$28.39                          | \$5.50  |
| 2016-2017          | \$28.96                          | \$5.61  |
| 2017-2018          | \$29.54                          | \$5.72  |
| 2018-2019          | \$30.13                          | \$5.83  |
| 2019-2020          | \$30.73                          | \$5.95  |
| 2020-2021          | \$31.34                          | \$6.07  |
| 2021-2022          | \$31.97                          | \$6.19  |
| 2022-2023          | \$32.61                          | \$6.31  |
| 2023-2024          | \$33.26                          | \$6.44  |
| 2024-2025          | \$33.92                          | \$6.57  |

- E. Charges for sewer furnished to a high volume user located within the boundaries of the City of Oelwein (in excess of 150,000 cubic feet consumption per month):

| <u>Fiscal Year</u> | <u>Minimum for 75 cubic feet</u> | <u>Rate over 75 cubic feet per 100 cubic feet</u> |
|--------------------|----------------------------------|---|
| 2015-2016          | \$13.22                          | \$5.00  |
| 2016-2017          | \$13.48                          | \$5.10  |
| 2017-2018          | \$13.75                          | \$5.20  |
| 2018-2019          | \$14.03                          | \$5.30  |
| 2019-2020          | \$14.31                          | \$5.41  |
| 2020-2021          | \$14.60                          | \$5.52  |
| 2021-2022          | \$14.89                          | \$5.63  |
| 2022-2023          | \$15.15                          | \$5.74  |
| 2023-2024          | \$15.49                          | \$5.86  |
| 2024-2025          | \$15.80                          | \$5.98  |

(Ord. No. 309, 06-10-1950; Ord. No. 335, 05-18-1955; Ord. No. 475, 03-24-1972; Ord. No. 530, 12-08-1975; Ord. No. 559, 03-13-1977; Ord. No. 575, 11-28-1977; Ord. No. 724, 03-28-1983; Ord. No. 740, 10-24-1983; Ord. No. 909, 09-26-1994; Ord. No. 911, 03-27-1995; Ord. No. 946, 10-13-1997; Ord. No. 958, 03-09-1998; Ord. No. 985, 07-24-2000; Ord. No. 1003, 05-13-2002; Ord. No. 1010, 02-10-2003; Ord. No. 1011, 02-24-2003; Ord. No. 1031, 04-12-2004; Ord. No. 1035, 06-14-2004; Ord. No. 1050, 05-09-2005; Ord. No. 1055, 03-27-2006; Ord. No. 1080, 04-

09-2007; Ord. No. 1081, 04-09-2007; Ord. No. 1110, 05-24-2010; Ord. No. 1136, 06-08-2015; Ord. No. 1143, 03-28-2016.)

**SECTION 7-42. SAME - - TIME AND PLACE OF PAYMENTS; SEPARATE ACCOUNTS.**

Said sewer rates and charges shall be imposed, billed and shall be collected and payable at the office of the city clerk at the same time and in the same manner as now provided for the payment of water rates and charges in connection with the furnishing of water through the municipal waterworks. All collections under the terms of this article shall be kept in a separate account by the city clerk. (Ord. No. 309, Section 5, 6-10-50; Ord. No. 335, 5-18-55; Ord. No. 589, Section 3, 8-14-78.)

Cross references - - Landfill and Recycling charges, Section 16-40; Billing for water service, Section 7-13; unpaid water bills, Section 7-12.

**SECTION 7-43. SANITARY SEWER – RATES AND CHARGES – LEVY AND COLLECTION AS LIEN.**

Such sewer rates and charges, if not paid as herein provided, when due, shall constitute a lien upon the premises and shall be billed and collected as provided in Section 7-47. (Ord. No. 938, Section 3, 05-12-1997.)

**SECTION 7-44. USER CHARGE REVISION.**

1. The city will review the user charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

2. Deleted. (Ord. No. 1010, 02-10-2003.)

**SECTION 7-45. DELETED.**

(Ord. No. 938, Section 4, 05-12-1997.)

**SECTION 7-46. CUSTOMER GUARANTEE DEPOSITS FOR WATER/SEWER.**

Deposits shall be required of all utility and enterprise customers having no established credit record with the City or who have a prior record of failing to timely pay such services. The established credit record of married or joint account holders, shall be considered the credit record

of each individual. Customers establishing acceptable credit records with the City for three years may have their deposits returned. An occasion or reoccurrence of poor payment performance shall require a deposit to be reimposed to maintain continuation of city services. Payments on a combined billing shall be first applied to that portion representing the charges for water service and the balance to services for sanitary sewer. The deposit fee shall be established by council resolution.

A temporary construction water meter shall at all times remain the property of the Oelwein Water Works and shall be issued to the applicant under the terms of a bailment and temporary water service agreement, which must be signed by the applicant before the meter is issued. A deposit fee, established by council resolution, shall be required for the use of temporary construction water meters. Upon full payment for the utility service and return of the undamaged water meter set the deposit shall be refunded. The deposit shall stand forfeited if payment for the service remains unpaid or the meter has not been returned undamaged 30 days following termination of the temporary service. (Ord. No. 938, Section 5, 05-12-1997; Ord. No. 991, 05-14-2001; Ord. No. 1028, 11-10-2003; Ord. No. 1116, 5-12-2011.)

#### SECTION 7-47. UTILITY AND ENTERPRISE – COLLECTION PROCEDURES:

##### 1. Delinquent accounts – discontinuance of services:

A. City utility or enterprise service to a property or premises, including services of sanitary sewer collection and treatment; solid waste collection and disposal, including landfill and recycling; and, water, or any of these services, may be discontinued if the account for the service becomes delinquent.

B. If more than one city utility or enterprise service is billed to a property or premises as a combined service account, all of the services may be discontinued if the account becomes delinquent.

C. A city utility or enterprise service to a property or premises shall not be discontinued unless prior written notice is sent to the account holder by ordinary mail, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance of service. If the account holder 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.

D. All city utility and enterprise shall be discontinued to a property or premises, when the account holder and/or owner or landlord of the property has failed to pay the rates and charges billed on or before the tenth day following mailing of notice in writing that said utility and enterprise services will be discontinued and no request for hearing has been received by the city clerk prior to the discontinuance of services. When the tenth day following mailing of notice falls on a Saturday, Sunday, or legal holiday the first business day following shall be deemed the tenth and final day. Services will not be restored to the property or premises until all past due rates and charges for all services, including services of sanitary sewage collection and treatment; solid waste collection and

disposal, including landfill and recycling; and, water, or any of these services, together with a fee for restoration of services, has been paid in full. The restoration fee shall be established by council resolution. (Ord. No. 1010, 02-10-2003; Ord. No. 1116, 5-12-2011.)

E. If a hearing is timely requested, the city administrator, or designee, shall immediately conduct an informal hearing and shall make a final determination whether the disconnection is justified. (Ord. No. 1120, 6-26-2012).

## 2. Delinquent accounts – lien upon property or premises.

A. All rates or charges for the services of sanitary sewage collection and treatment; solid waste collection and disposal, including landfill and recycling; and, water, or any of these services, if not paid as provided by ordinance of the council are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due.

B. This lien may be imposed upon a property or premises even if a city utility or enterprise service to the property or premises has been or may be discontinued as provided in this section.

C. A lien for a city utility or enterprise service shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder of the delinquent account. If the account holder 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 ten days prior to certification of the lien to the county treasurer.

D. For a residential rental property, where a charge for water service is separately metered and paid directly by the tenant, the rental property is exempt from a lien for those delinquent charges incurred after the landlord gives written notice to the city clerk that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety days of water service is paid to the city. Upon receipt, the City Clerk shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice and deposit. When the tenant moves from the rental property, the city clerk shall return the deposit if the water service charges are paid in full and the lien exemption shall be lifted from the rental property. The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

3. Lien – charges and collections. A lien shall not be imposed pursuant to this Section for a delinquent charge of less than five dollars. The city clerk may charge up to twenty dollars, and the county treasurer may charge an additional fee, as an administrative expense of certifying and filing this lien, which amounts shall be added to the amount of the lien to be collected at the



time of payment of the assessment from the payor. Administrative expenses collected by the county treasurer on behalf of the city shall be paid to the City Clerk and those collected by the county treasurer on behalf of the county shall be credited to the county general fund. The lien has equal precedence with ordinary taxes, may be certified to the county treasurer divested by a judicial sale. (Ord. No. 938, Section 6, 05-12-1997; Ord. No. 1010, 02-10-2003.)

SECTION 7-48 - - 7-59. Reserved.

## ARTICLE IV

### SEWAGE DISPOSAL

#### SECTION 7-70. USE OF PUBLIC SEWERS REQUIRED.

1. Objectionable wastes, depositing. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Oelwein, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

2. Treatment required. It shall be unlawful to discharge to any natural outlet within the City of Oelwein or in any area under the jurisdiction of said city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

3. Prohibited disposal systems. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. Connection to sewer. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within one (1) year after date of official notice to do so, or in cases of annexation the property owner may have up to five (5) years to connect provided that said public sewer is within two hundred (200) feet of the building and exterior drainage facility.

5. All taps into the municipal sanitary sewer mains shall be made by the utility superintendent, or his designee. The tapping fee shall be one hundred forty dollars (\$140.00) plus itemized cost of materials.