

## CHAPTER 99

### SEWER SERVICE CHARGES

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**99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer shall pay to the City sewer service fees as hereinafter provided.

*(Code of Iowa, Sec. 384.84)*

1. Each customer shall pay sewer service fees in the amount of \$16.58 per month plus \$9.34 per 1,000 gallons of water used beginning April 15, 2017. Sewer rates shall automatically increase 2% thereafter on April 15<sup>th</sup> annually, in accordance with the following table:

2018: \$16.91 per month, plus \$9.53 per 1,000 gallons

2019: \$17.24 per month, plus \$9.72 per 1,000 gallons

2020: \$17.59 per month, plus \$9.92 per 1,000 gallons

2021: \$17.94 per month, plus \$10.11 per 1,000 gallons

*(Ord. 566 – May 17 Supp.)*

2. In the event an existing industry or new industry projects the employment of at least twenty (20) additional persons over a two-year period and capital expenditures of five hundred thousand dollars (\$500,000) in said same two-year period for building and/or machinery and equipment purchases, and agrees not to ever drill a private fresh water well within the City corporate limits, then the City may grant an economic development incentive water user rebate which would be a percentage of the standard rate as follows:

First year: 50%

Second year: 50%

Third year: 50%

Fourth year: 20%

Fifth year: 10%

After the fifth year no rebate shall apply. If employment projections are not met within said two-year period, then said industry shall, upon notice by the City, repay said rebate amounts.

3. Sewer service to any customer for a structure containing more than one dwelling unit, as defined by the Clarion Zoning Ordinance, shall be subject to a minimum monthly charge based on the multiplication of the current base rate times a number which is 80 percent of the number of dwelling units in the structure.

*(Ord. 566 – May 17 Supp.)*

4. The monthly per gallon rate set out in subsection 1 of this section shall be adjusted annually as follows:

A. On or before January 2 of each year the City Administrator shall adjust the sewer rate based upon the multiplication of the current rate by a factor equal to the increase in the Consumer Price Index as established by the Federal government for the preceding twelve-month period.

B. The City Council shall consider the recommendation and any proposed change in rate at the next Council meeting.

5. **Industrial Flow Meter.** If an industrial user has a consumptive use of water, or in some other manner uses water which is not discharged into the City's wastewater collection system, the City may allow the user to purchase an effluent flow meter from the City. The installation and maintenance of the flow meter shall be at the user's expense and subject to City acceptance. The user charge (sewer service fees) will be based on readings of the effluent flow meter. The economic development incentive set out in Section 99.02(2) shall not apply to the user charge through the effluent flow meter.

**99.03 SPECIAL RATES.** Where, in the judgment of the Public Works Director and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Public Works Director and submitted to the Council for approval by resolution.

*(Code of Iowa, Sec. 384.84)*

**99.04 PRIVATE WATER SYSTEMS.** Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

*(Code of Iowa, Sec. 384.84)*

**99.05 PAYMENT OF BILLS.** All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

**99.06 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 Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.07 SPECIAL AGREEMENTS PERMITTED.** No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

**99.08 PENALTIES FOR DISCHARGE VIOLATIONS.**

1. No customer or user of the Clarion municipal sanitary sewer collection system which is a Significant Industrial User as defined in the Iowa Administrative Code, Section 567, Chapter 60, shall discharge or cause to be discharged to the wastewater system, either directly or indirectly, any of the following described wastes or wastewater:

- A. Any solids, slurry or viscous substances of such a character as to be capable of causing obstruction to the flow in the wastewater system which interferes with the proper operation of the wastewater system.
- B. Any discharge exceeding the threshold limitation established in the Iowa Department of Natural Resources Form 542-3221, or current Iowa Department of Natural Resources Treatment Agreement Form as applicable to the City of Clarion.
- C. Any waters or wastes containing the following substances to such a degree that any such material received in the wastewater system in excess of limitations set by the City of the State of Iowa for the following materials: arsenic, cadmium, copper, cyanide, iron, lead, mercury, nickel, silver, tin, chromium, molybdenum, zinc, or phenolic compounds which cannot be removed by the City's wastewater treatment system.
- D. Any solids, liquids or gasses which by themselves or by interaction with other substances may cause fire, explosion or hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the wastewater system.
- E. Any discharge of a concentration of wastes or wastewater to the collection system harmful to the operation of the wastewater system,
- F. Any discharge of any waster or wastewater which would cause the wastewater treatment facilities of the City to be in violation of the requirements of their operating permits.

Failure by the customer to file a factual report or creating a false report of the composition and characteristics of the waste and wastewater discharges shall constitute a violation of this chapter.

2. Upon violation of the requirements of this section, said violating customer or user shall be notified of the violation. Said violation shall be corrected by the customer or user within two days of the date of notification (Correction Period), or else the violator, within said Correction Period, shall submit a proposal to the City for a different Correction Period which the City may consider. The City shall notify the violator of its decision regarding acceptance or non-acceptance of such a proposed different Correction Period. If after the Correction Period as determined has expired the correction has not been made, the following actions may be taken by the City:

- A. Discontinuation of water and sanitary sewer service to the customer or user.
- B. Assessment of a fine in the amount of Five Hundred Dollars (\$500.00) for each day the violation remains uncorrected. Such fine shall constitute a sewer service charge to the premises and will be subject to the provisions of Lien for Nonpayment contained in Section 99.06 of this chapter.

C. Following correction, the occurrence of an additional violation by the customer within one year shall be subject to immediate discontinuation of water and sanitary sewer service or fine or both actions in accordance with subparagraphs A and B above without the above referenced Correction Period.

D. If any violation subjects the City to a fine or penalty by any State or Federal agency, the violating customer or user shall reimburse the City for the amount of said fine or penalty which shall constitute a sewer service charge.

E. If any violation results in additional monitoring, analysis or maintenance costs to the City for actions such as, but not limited to, sampling, testing, sanitary sewer system cleaning, aeration or similar actions, the violating customer or user shall reimburse the City for the cost of such actions, which cost shall constitute a sewer service charge.

*(Ord. 539 – Jan. 12 Supp.)*