

NOTICE AND CALL OF PUBLIC MEETING

GOVERNMENTAL BODY: THE CITY COUNCIL OF CRESCO, IOWA

DATE OF MEETING: AUGUST 20, 2012

TIME AND PLACE OF MEETING: 7:00 P.M. AT CRESCO CITY HALL

PUBLIC NOTICE IS HEREBY GIVEN THAT THE ABOVE MENTIONED GOVERNMENTAL BODY WILL MEET AT THE DATE, TIME AND PLACE SET OUT ABOVE. THE TENTATIVE AGENDA FOR SAID MEETING IS AS FOLLOWS:

ROLL CALL: CARMAN, BOUSKA, McGEE, McCARVILLE, LOVELESS

ACT ON THE CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time council votes on the motion.

1. Approval of the Agenda
2. Approval of the Claims
3. Approval of Minutes from August 6, 2012
4. Approval of Class C Liquor License (LC) (Commercial) with Sunday Sales to Chris Ator d/b/a Cresco Lanes Sports Bar & Grill
5. Approval of Pay Request #2 from Skyline Construction Inc for 2nd Avenue East Reconstruction Project for \$95,937.70
6. Approval of Pay Request #2 (Final) to Jirak Construction for Housing Rehab Project for \$16,370.20

STAFF REPORTS: There may be action taken on each of the items listed below.

1. Public Works
2. Police
3. Administration
4. Department & Committee Updates

BUSINESS: There may be action taken on each of the items listed below.

1. Public Hearing for Ordinance for Electric Franchise Agreement with ITC
2. First Reading of Proposed Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
3. Resolution Waiving the 2nd and 3rd Readings of Proposed Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
4. Approval of Ordinance 440 Electric Franchise Agreement for ITC Midwest LLC and City of Cresco
5. Willie Hendrickson and Kelli Best to Discuss Cresco Food Technologies LLC Surcharges
6. Resolution Authorizing Mayor and City Clerk to Enter into an Agreement with Cresco Food Technologies LLC
7. Opening Bids for Sale of Two Police Cars and Possible Award of Sale of Cars
8. Set Next Council Meeting for Wednesday September 5, 2012 due to Labor Day Holiday
9. Set Public Hearing for City Budget Amendment for Fiscal Year Ending 6/30/13
10. Recommendation of the Theatre Commission to Appoint Alex Fortune to the Theatre Commission for a Term Expiring 6/30/2015

11. Discussion on Water Salesman
12. Update on Strategic Plan
13. Update Code Of Ordinances
 - Chapter 77 Bicycle Licensing
 - Chapter 5 Section 5.13 Residency Requirement
 - Chapter 35 Fire Department Section 35.02 Organization
 - Chapters 90-92 Water Service

COMMENTS FROM AUDIENCE:

ADJOURN:

THIS NOTICE IS GIVEN AT THE DIRECTION OF THE MAYOR PURSUANT TO CHAPTER 28A, CODE OF IOWA AND THE LOCAL RULES OF SAID GOVERNMENTAL BODY. POSTED AUGUST 17, 2012.

ITC Midwest LLC and City of CRESCO
Electric Franchise Agreement
NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held in the City of CRESCO, Iowa, on the 20th day of August, 2012, for the purpose of submitting to the City Council of said City, to be voted upon by them, the question of whether the public measure as shown on the published ordinance should be adopted.

ORDINANCE FOR A PUBLIC HEARING
CITY OF CRESCO, HOWARD COUNTY, IOWA

August 20, 2012

Ordinance No. 440

An Ordinance granting to ITC MIDWEST LLC, a wholly owned subsidiary of ITC HOLDINGS CORP., its successors and assigns (the "Company"), the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; granting the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County, Iowa, for the period of twenty-five (25) years; and granting the right of eminent domain.

BE IT ORDAINED BY THE City Council of the City of CRESCO, Howard County, Iowa:

Section 1. Grant.

There is hereby granted to the Company the right and franchise to acquire, construct, erect, maintain and operate in the City of CRESCO, Howard County, Iowa, a transmission system for electric power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances or equipment and substations for the transmission of electric current (collectively, the "Facilities") along, under and upon the streets, avenues, alleys and public places in the City of CRESCO, Howard County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City of CRESCO, Howard County Iowa, for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

Section 2. Indemnification.

The Facilities shall be placed and maintained so as not to unnecessarily interfere with the travel on the streets, alleys, and public places in the City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the Company shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of the transmission system.

Section 3. Relocation.

Except as provided herein below, the Company shall, at its cost and expense, locate and relocate its Facilities in, on, over or under any public street or alley in the City of CRESCO in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its Facilities for the primary benefit of a commercial or private project, or as the result of the initial request of a commercial or private developer or other non-public entity, and such relocation is necessary to prevent interference and not merely for the convenience of the City or other non-public entity, the Company shall receive payment for the cost of such relocation as a precondition to relocating its Facilities. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternate location for the Company's Facilities. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Vacating a public right-of-way shall not deprive the Company of its right to operate and maintain existing Facilities until the reasonable cost of relocating the same are paid to the Company.

Section 4. Modern System.

The system authorized by this Ordinance shall be modern and up-to-date and shall be kept in a modern and up-to-date condition.

Section 5. Pruning.

To promote public safety in proximity to its Facilities and to maintain electric reliability, the Company is authorized and empowered to prune or remove at Company expense any trees or shrubs or parts thereto extending into any street, alley, right-of-way or public grounds. The pruning shall be completed in accordance with the then-current nationally accepted safety and utility industry standards, as revised and updated from time to time.

Section 6. Continuous Service.

Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, Acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

Section 7. Non-exclusivity.

The franchise granted by this Ordinance shall not be exclusive.

Section 8. Severability.

If any section, provision, or part of this Ordinance shall be adjudged to be 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 9. Term of Agreement.

The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company, as herein provided. The anniversary date shall be the date this franchise is filed with the City Clerk or otherwise becomes effective by operation of law.

Section 10. Publication Expenses.

The expense of the publication of this Ordinance shall be paid by the Company.

Section 11. Repeal of Conflicting Ordinances.

All ordinances, or parts of ordinances, insofar as they are in direct conflict herewith, are hereby repealed.

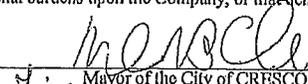
Section 12. Acceptance.

The franchise granted by this Ordinance shall be conditioned upon acceptance by the Company in writing. The acceptance shall be filed with the City Clerk within ninety (90) days from the passage of this Ordinance.

ITC Midwest LLC and City of CRESCO
Electric Franchise Agreement

Section 13. Closing.

This Ordinance sets forth and constitutes the entire agreement between the Company and the City of CRESCO with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this Ordinance shall supersede, abrogate and repeal any prior electric system ordinance between the Company and the City as of the date this Ordinance is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or that delay utility operations.

Attest:  Mayor of the City of CRESCO, Iowa
Michelle A. Justians
City Clerk of the City of CRESCO, Iowa

The place for said public hearing shall be City Hall
on the 20th day of August 2012 at 7:00 o'clock p.m.

WATER SALESMAN

Mayor and Council,

Fiscal Year	2010	\$83.25	
	2011	\$56.50	
	2012	\$199.50	Exceptionally Dry Year

Price for New water salesman:

Basic unit – Takes Quarters, Dollars, Fives, Tens and Twenties

\$4,330 plus \$215 for an over-ride which we would want for our own equipment

\$4,545 Total

Total Revenue for the last 3 fiscal years = \$339.25 (average \$113.08)

As of Thursday Aug 9th we turned the time down on the salesman so the revenue will be doubled, and with the current salesman we believe that's about all we can get out of it.

At that rate, if sales stay consistent with this year then we can expect about \$400 per year so it would take approximately 11 years to pay for the salesman.

If we could quadruple the rate from where we were, and sales are same as this year then we could expect \$800 per year so 6 year payback.

Also keep in mind that we'd have some plumbing expenses to retro-fit the new salesman at the waterworks building. Also remember that the waterworks building needs roof and structural work done to it if we even keep the building.

Rod

CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Election of Officers
35.07 Fire Chief: Duties
35.08 Obedience to Fire Chief

35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Destruction of Property to Stop the Spread of Fire
35.16 Expulsion of Members
35.17 Use of Equipment Outside City

35.01 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council. At no time shall the department have less than fifteen (15) members. Any resident of the City over eighteen (18) years of age is eligible for membership. The Fire Chief may allow not more than twenty percent (20%) of the total membership to live inside the City limits and work outside the City limits, or work inside the City limits and live outside the City limits, within ~~three (3)~~ ^{eight (8)} road miles of the Fire Station.

(Code of Iowa, Sec. 372.13[4])

35.03 APPROVED BY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

35.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

(Code of Iowa, Sec. 372.13[4])

35.05 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council.

(Code of Iowa, Sec. 372.13[4])

CHAPTER 90

WATER SERVICE SYSTEM

<p>90.01 Definitions</p> <p>90.02 Superintendent's Duties</p> <p>90.03 Mandatory Connections</p> <p>90.04 Abandoned Connections</p> <p>90.05 Permit</p> <p>90.06 Tapping and Connection Charges</p> <p>90.07 Compliance with Plumbing Code</p> <p>90.08 Plumber Required</p> <p>90.09 Excavations</p> <p>90.10 Tapping Mains</p> <p>90.11 Installation of Water Service Pipe</p>	<p>90.12 Responsibility for Water Service Pipe</p> <p>90.13 Failure to Maintain</p> <p>90.14 Curb Valve</p> <p>90.15 Interior Valve</p> <p>90.16 Inspection and Approval</p> <p>90.17 Completion by the City</p> <p>90.18 Shutting off Water Supply</p> <p>90.19 Operation of Curb Valve</p> <p>90.20 Fire Hydrants</p> <p>90.21 Control of Water Supply</p> <p>90.22 Regulation of Private Wells</p>
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90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
3. "Water main" means a water supply pipe provided for public or community use.
4. "Water service pipe" means the pipe from the water main to the building served.
5. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

⇒ Alternate 1

* **90.03 MANDATORY CONNECTIONS.** All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

⇒ Alternate 2

~~**90.03 MANDATORY CONNECTIONS.** The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within sixty (60) days after the date of official notice to do so, provided that said public water main is located within one hundred (100) feet of the property line of such owner.~~

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within one (1) year after it is issued. The permit may be revoked at any time for any violation of these chapters.

(Code of Iowa, Sec. 372.13[4])

90.06 TAPPING AND CONNECTION CHARGES.

1. Tapping Charge. There shall be a tapping charge in the amount of ~~\$250.00~~ ^{\$100} for each service connection plus the cost of the saddle needed to make the connection.

→ charge school)

2. 3. Connection Charge. In addition to any other fees or charges established in this chapter, there shall be a connection charge of not less than five thousand dollars (\$5,000.00) for properties located outside of the City limits to reimburse the City for making and supervising

connection of properties to the water service facilities. The City Council shall have the discretion to waive the connection charge in the event that the property to be connected is located in area which is voluntarily annexed to the City.

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *State Plumbing Code*.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances. In addition, any service lines which must cross a finished street, alleyway or other public thoroughfare shall be bored under such street, alley or other public thoroughfare to avoid damage to such street, alley or public thoroughfare. All boring costs shall be borne by the property owner or customer.

90.10 TAPPING MAINS. All taps into water mains shall be made by the Water Department unless permission is given by the Superintendent for the property owner to make the tap under the direct supervision of the Superintendent and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premises may be shut off independently of the other.

2. Sizes and Location of Taps. All mains four (4) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains six (6) inches and larger in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in

a 45° angle

the main. The corporation stop in the main shall be of the same size as the service pipe.

Insert
Private Water Lines →

4.5. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

(Code of Iowa, Sec. 372.13[4])

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

(Code of Iowa, Sec. 364.12[3a & h])

90.14 CURB VALVE. There shall be installed within the public right-of-way, a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The curb valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The curb valve must be maintained in working order by the property owner. Failure to maintain the curb valve may result in the City repairing the curb valve and assessing the cost to the property owner.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system ~~must~~ ^{may} be inspected and approved in writing by

the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. A \$10.00 inspection fee is charged for each inspection. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE. It is unlawful for any person except the Superintendent or a plumber to turn water on at the curb valve, and said plumber shall take no action contrary to the orders of the Superintendent and shall leave the water off or on, as directed by the Superintendent.

90.20 FIRE HYDRANTS. Fire hydrants located in the City are for the purpose of fire protection and must comply with City policy and be approved by the Superintendent. No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.21 CONTROL OF WATER SUPPLY. Whenever in the judgment of the Council it becomes necessary to conserve the water supply in the public interest, a resolution may be adopted to:

1. Regulate during certain hours or on certain days of the week the water that may be used for car and vehicle washing, watering lawns, gardens or other similar uses or prohibit the use of water for any such purposes for such time as the Council may determine;

2. Regulate the amount of water that any customer may use on any particular day or for any period of time and specify the purposes for which water may be used by any customer; or
3. Make additional rate charges for special uses by resolution or contract.

90.22 REGULATION OF PRIVATE WELLS. No private wells may be constructed or drilled within the City limits without a permit. Permit applications shall be obtained from and presented to the Public Works Director. The Public Works Director shall present all applications to the Council for consideration and grant or denial. The Public Works Director shall make recommendations to the Council regarding the grant or denial of any application, but the final decision shall rest with the Council. In considering the grant or denial of any application for construction or drilling of a well within City limits, the Council shall consider whether the property is furnished with pure and wholesome water, whether it is safe to construct or drill a well on the premises, and any other considerations which the Council deems appropriate.

CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems – Exception
91.04 Location of Meters
91.05 Meter Setting

91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry
91.09 Testing Meters
91.10 Yard Meters

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

91.03 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent ^{or designated employees} shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 TESTING METERS. The City shall have access to all water meters at any reasonable time for the purpose of inspecting or testing such meters. The City shall test the meter of any customer upon written request submitted to the Mayor or Clerk. The customer applying for such test shall pay to the City the cost of the testing.

91.10 YARD METERS. A yard meter may be installed to measure water, for outdoor use only, that is not disposed of through the public sanitary sewer system. Permitted uses for water measured by a yard meter include watering lawns and gardens, filling swimming pools, washing cars, etc. Uses not allowed include connection to any outdoor shower, water heater, geothermal appliance or any auxiliary building. The following regulations apply to yard meters:

1. The customer must purchase the yard meter from the City.
2. The meter piping shall be installed by a licensed plumber. The meter must be "T'ed" off the service line before the standard meter, must have a valve on each side of the yard meter and must have an outside reader. Only one outdoor faucet shall be allowed to be connected to the yard meter. The installation and removal of a yard meter shall be done by the City.
3. Yard meters will be read by the City at the same time regular water meters are read. No sewer charge will be assessed to water usage through the yard meter.
4. No water from a yard meter may be allowed to enter the sanitary sewer system. A violation of this subsection shall result in full sewer charges being added to the water bill, removal of the yard meter permanently and shall be considered a violation of this Code of Ordinances.

CHAPTER 92

WATER RATES

92.01 Service Charges
 92.02 Rates For Service
 92.03 Rates Outside the City
 92.04 Billing for Water Service
 92.05 Service Discontinued

92.06 Lien for Nonpayment
 92.07 Lien Exemption
 92.08 Lien Notice
 92.09 Customer Deposits
 92.10 Customer Requested Termination of Service

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. No deduction from the water service charge will be made on account of leakage after the water has passed through a meter.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. First 1,333.33 gallons used per month @ \$4.69 (Minimum Bill).
2. Next 5,333.33 gallons used per month @ \$3.52 per 1,000 gallons.
3. Next 60,000 gallons used per month @ \$3.23 per 1,000 gallons.
4. All over 66,666.66 gallons used per month @ \$2.95 per 1,000 gallons.

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to customers located outside the corporate limits of the City, which the City has agreed to serve, at the following monthly rates and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Sec. 384.84)

1. First 1,333.33 gallons used per month @ \$9.38 (Minimum Bill).
2. Next 5,333.33 gallons used per month @ \$7.04 per 1,000 gallons.
3. Next 60,000 gallons used per month @ \$6.46 per 1,000 gallons.
4. All over 66,666.66 gallons used per month @ \$5.90 per 1,000 gallons.

Remove 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.

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)

~~1.2~~ Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or about the first day of each month.

~~2.3~~ Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 12th day of each month.

~~3.4~~ Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) 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. In the event that the City tags doors of delinquent customers prior to discontinuance of service, as final notice of shutoff, a \$50.00 service fee shall be charged.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If the customer requests a hearing before the date of the shut off, the Council shall conduct an informal hearing at the next scheduled Council meeting and the Council shall make a determination as to whether the disconnection is justified. If the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

~~4.5~~ Fees. A fee of twenty-five dollars (\$25.00) shall be charged for shutting the water off and a fee of twenty-five dollars (\$25.00) shall be charged before service is restored to a delinquent customer. No service fees shall be charged for the usual or customary trips in the regular changes in occupancies of property.

~~5.6~~ Replenishment of Deposit. Delinquent customers shall also pay a deposit equal to the customer's past due bill prior to restoration of service to replenish the customer's deposit.

Add →

Meters Read.

Insert
Service Discontinued →

Insert → **92.067 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.

Service After this

(Code of Iowa, Sec. 384.84)

92.078 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.

(Code of Iowa, Sec. 384.84)

92.089 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 or premises 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.

(Code of Iowa, Sec. 384.84)

See attached. **92.0910 CUSTOMER DEPOSITS.** There shall be required from every residential customer an eighty dollar deposit (\$80.00) and from every commercial-*industrial* customer a two hundred dollar deposit (\$200.00) intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.1011 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a ten dollar (\$10.00) fee collected for shutting the water off at the curb valve and a ten dollar (\$10.00) fee for restoring service. During a period when service is

temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies unless the water cannot be shut off at the curb valve.

Insert → 92.12 *Customer Requested Termination of Service*

90.06 TAPPING AND CONNECTION CHARGES

2. Hookup Charge. There shall be a hookup charge in the amount of \$150.00 for each service connection.

90.10 TAPPING MAINS

3. Private Water Lines. The connection or reconnection of any private water line which requires a "T" to be installed in the City water main shall be made by the property owner at the owner's expense.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the curb stop must be standard weight type K copper. Water service pipes from the curb stop to the meter set must be standard weight K copper or 200 psi plastic. If plastic is used a tracing wire must be laid with the line in the ditch. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settling or freezing.

91.07 PROTECTION OF METER FROM FREEZING. When any customer allows the water meter to freeze by the customer's failure to protect the meter from frost, the customer will be charged for repairing the meter. Failure to pay for such repairs will entitle the city to shut off the water supply.

92.04 BILLING FOR WATER SERVICE.

1. Meters Read. Water meters shall be read on approximately the 20th of each month.

92.05 SERVICE DISCONTINUED

4. Service Discontinued. The Superintendent shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the delinquent notice.

92.06 SERVICE AFTER-HOURS. All water services will be conducted during normal business hours Monday through Friday. Requests after normal business hours for services including, but not limited to, repairs, water on or water off requests shall be billed a minimum fee of \$100.

92.10 CUSTOMER DEPOSITS. There shall be required from every residential and commercial customer an eighty dollar deposit (\$80.00) and from every industrial customer a two hundred dollar deposit (\$200.00) intended to guarantee the payment of bills for service. This deposit will be refunded after three years with good credit history or applied to final water billing if services are discontinued.

92.12 CUSTOMER REQUESTED TERMINATION OF SERVICE. A customer may request water service to be terminated by informing City Hall. No water service shall be considered terminated until the Water Department has terminated service at the curb valve and removes the water meter. All water meters shall be removed and installed by the Water Department only. There shall be a ten dollar (\$10.00) fee collected for shutting the water off at the curb valve and a ten dollar (\$10.00) fee for restoring service. If the renter is not delinquent but the property owner wants the water turned off, the City cannot turn off the water.

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.12 Responsibility for Water Service Pipe
90.02 Superintendent's Duties	90.13 Failure to Maintain
90.03 Mandatory Connections	90.14 Curb Stop
90.04 Abandoned Connections	90.15 Interior Stop and Waste Cock
90.05 Permit	90.16 Inspection and Approval
90.06 Tapping and Saddle Charges	90.17 Completion by the City
90.07 Compliance with Plumbing Code	90.18 Shutting off Water Supply
90.08 Plumber Required	90.19 Operation of Curb Stop
90.09 Excavations	90.20 Hydrants
90.10 Tapping Mains	90.21 Control of Water Supply
90.11 Installation of Water Service Pipe	90.22 Regulation of Wells Within City Limits

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
2. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
3. "Water main" means a water supply pipe provided for public or community use.
4. "Water service pipe" means the pipe from the water main to the building served.
5. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

(Code of Iowa, Sec. 372.13[4])

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation cock and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the Clerk. ~~The application for the permit shall be filed with the Clerk on blanks furnished by the City. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. No different or additional uses will be allowed except by written permission of the Clerk. The Clerk shall sign and issue the permit and state the time of issuance, if the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid. Work under any permit must be completed within one (1) year after it is issued. The Clerk may at any time revoke the permit for any violation of this chapter and require that the work be stopped.~~

(Code of Iowa, Sec. 372.13[4])

90.06 TAPPING AND SADDLE CHARGES. There shall be a tapping charge in the amount of \$50.00 for ¾-inch pipe and \$60.00 for a 1-inch pipe for each service connection plus the cost of the saddle needed to make the connection.

(Ord. 416 – Dec. 09 Supp.)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

\$250⁰⁰
reference #1438

*See Proposed
Water Service
Plumber*

90.08 PLUMBER REQUIRED. All installations of water service pipes shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall file a certificate of insurance indicating that the plumber is carrying public liability insurance in effect for the duration of the project and that all agents and employees are covered by such insurance. The amount of insurance coverage required shall be determined by the City.

See Ord. # 135

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by the Water Department of the City unless permission is given by the City to the property owner to make the tap under the direct supervision of the Superintendent and in accord with the following:

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building or premise may be shut off independently of the other.
2. Sizes and Location of Taps. All mains four (4) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains six (6) inches and larger in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Cock. A brass corporation cock, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation cock in the main shall in no case be smaller than one size smaller than the service pipe.

4. Private Water Lines. The connection or reconnection of any private water line which requires a "T" to be installed in the City water main shall be made by the property owner at the owner's expense.

5. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

(Code of Iowa, Sec. 372.13[4])

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be standard weight type K copper or ductile iron. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

(Code of Iowa, Sec. 364.12[3a & h])

90.14 CURB STOP. There shall be installed within the public right-of-way a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

*Not in
the proposed
ordinance*

*See
Ordinance
1188*

90.15 INTERIOR STOP AND WASTE COCK. There shall be installed a shut-off valve and waste cock on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently and the pipes drained. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. A \$10.00 inspection charge is made for each inspection. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

(Code of Iowa, Sec. 364.12[3a & h])

90.18 SHUTTING OFF WATER SUPPLY. After following the procedures set out in Section 92.05, the Superintendent may shut off the supply of water to any customer because of any substantial violation of this chapter, or valid regulation under Section 90.02 that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB STOP. It is unlawful for any person except the Superintendent or a plumber to turn water on at the curb stop, and said plumber shall take no action contrary to the orders of the Superintendent and shall leave the water off or on, as directed by the Superintendent.

90.20 ^{Fire} **HYDRANTS.** Hydrants located in the City are for the purpose of fire protection and must comply with City policy and be approved by the Superintendent. No persons, except officers or employees of the City acting in the regular performance of their duties, shall open or in any manner tamper with any City hydrant. *(Ord. 332 – May 00 Supp.)*

90.21 CONTROL OF WATER SUPPLY. Whenever in the judgment of the Council it becomes necessary to conserve the water supply in the public interest, a resolution may be adopted to:

1. Regulate during certain hours or on certain days of the week the water that may be used for car and vehicle washing, watering lawns, gardens or other similar uses or prohibit the use of water for any such purposes for such time as the Council may determine;
2. Regulate the amount of water that any customer may use on any particular day or for any period of time and specify the purposes for which water may be used by any customer; or
3. Make additional rate charges for special uses by resolution or contract.

90.22 REGULATION OF WELLS WITHIN CITY LIMITS. No wells may be constructed or drilled within the City limits of Cresco without a permit. Permit applications shall be obtained from and presented to the Director Public Works. The Director of Public Works shall present all applications to the Council for consideration and grant or denial. The Public Works Director shall make recommendations to the Council regarding the grant or denial of any application, but the final decision shall rest with the Council. In considering the grant or denial of any application for construction or drilling of a well within City limits, the Council shall consider whether the property is furnished with pure and wholesome water, whether it is safe to construct or drill a well on the premises, and any other considerations which the Council deems appropriate. The grant of any application for permit to drill or construct a well shall not affect the other requirements of Chapter 90 or Chapter 148 of this Code of Ordinances, City of Cresco. All other provisions of Chapter 90 and Chapter 148 shall remain the same, unchanged, and in full force and effect. Violation of this section shall constitute a simple misdemeanor and shall be punishable as set forth in Section 1.10 of this Code of ordinances. In addition, the Public Works Director may at any time revoke the permit for any violation of Chapter 90 or Chapter 148 or any other chapter of this Code of Ordinances and may require that the work be stopped. *(Ord. 306 - Aug. 98 Supp.)*

CHAPTER 91

WATER METERS

91.01 Purpose	91.07 Protection of Meter from Freezing
91.02 Water Use Metered	91.08 Meter Repairs
91.03 Fire Sprinkler Systems - Exception	91.09 Right of Entry
91.04 Location of Meters	91.10 Testing Meters
91.05 Meter Setting	91.11 Yard Meters
91.06 Meter Costs	

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

91.03 FIRE SPRINKLER SYSTEMS - EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a globe type valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

*People outside of City limits pay for their meter.
Minutes 8-5-02*

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 PROTECTION OF METER FROM FREEZING. When any customer allows the water meter to freeze by the customer's failure to protect the meter from frost, the customer will be charged for repairing the meter. Failure to pay for such repairs will entitle the City to shut off the water supply.

91.08 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.09 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.10 TESTING METERS. The City shall have access to all water meters at any reasonable time for the purpose of inspecting or testing such meters. The City shall test the meter of any customer upon written request submitted to the Mayor or Clerk. The customer applying for such test shall pay to the City the cost of the testing. *(Ord. 404 – Jun. 08 Supp.)*

91.11 YARD METERS. A yard meter may be installed to measure water, for outdoor use only, that is not disposed of through the public sanitary sewer system. Permitted uses for water measured by a yard meter include watering lawns and gardens, filling swimming pools, washing cars, etc. Uses not allowed include hookups to any outdoor shower, water heater, geothermal appliance or any auxiliary building. The following regulations apply to yard meters:

1. The homeowner must purchase the yard meter from the City.
2. The meter piping shall be installed by an approved plumber. The meter must be “T’ed” off the service line before the standard meter, must have a valve on each side of the yard meter and must have an outside reader. The meter will be hooked to the piping by the City with the usual installation charges applying. Only one outdoor faucet shall be allowed to be connected to the yard meter. Removal of a yard meter shall be done by the City with the usual charges applying.
3. Meters will be read by the City at the same time regular water meters are read. Water bills of customers utilizing a yard meter will be monitored for unusual decreases in water usage.
4. No water from a yard meter may be allowed to enter the sanitary sewer line. Any nonconforming use shall result in full sewer charges being added to the water bill and removal of the yard meter permanently and shall be considered a violation of this Code of Ordinances.

(Ord. 334 – Jul. 00 Supp.)

CHAPTER 92

WATER RATES

92.01 Service Charges
92.02 Rates For Service
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Service Discontinued

92.06 Lien for Nonpayment
92.07 Lien Exemption
92.08 Lien Notice
92.09 Customer Deposits
92.10 Customer Requested Termination of Service

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. No deduction from the water rent will be made on account of leakage after the water has passed through a meter.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

1. Effective July 1, 2011:
 - A. First 1,333.33 gallons used per month @ \$4.69 (Minimum Bill).
 - B. Next 5,333.33 gallons used per month @ \$3.52 per 1,000 gallons.
 - C. Next 60,000 gallons used per month @ \$3.23 per 1,000 gallons.
 - D. All over 66,666 gallons used per month @ \$2.95 per 1,000 gallons.

(Ord. 430 – Jul. 11 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided at the following monthly rates, based upon water used and furnished, outside the City limits and such rates shall apply to all cases except where there was in existence a pre-existing written contract:

(Code of Iowa, Sec. 384.84)

1. Effective July 1, 2011:
 - A. First 1,333.33 gallons used per month @ \$9.38 (Minimum Bill).
 - B. Next 5,333.33 gallons used per month @ \$7.04 per 1,000 gallons.
 - C. Next 60,000 gallons used per month @ \$6.46 per 1,000 gallons.

D. All over 66,666 gallons used per month @ \$5.90 per 1,000 gallons.

(Ord. 430 - Jul. 11 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. Meters Read. Water meters shall be read monthly.
2. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or about the first day of each month.
3. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 12th day of the month.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.

(Ord. 398 - Jul. 07 Supp.)

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 and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.
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 before the date of the shut off, the customer may request an informal hearing to be held before the Council at the next scheduled meeting and the Council shall make a determination as to whether the disconnection is justified.
4. Service Discontinued. The Superintendent shall shut off the supply of water to any customer who, not having contested the amount billed in good faith, has failed to make payment by the date specified in the delinquent notice.
5. Fees. A shut-off fee of fifty dollars (\$50.00) will be charged for displaying a delinquency notice before service disconnection occurs. A

Proposed for 1/20 2011 meeting

Moved to 2/20/11

shut-off fee of twenty-five dollars (\$25.00) shall be charged and a fee in the amount of twenty-five dollars (\$25.00) shall be charged before service is restored to a delinquent customer. No service fees shall be charged for the usual or customary trips in the regular changes in occupancies of property.

(Ord. 398 – Jul. 07 Supp.)

6. Replenishment of Deposit. Delinquent customers shall also pay a deposit equal to the customer's past due bill prior to restoration of service to replenish the deposit paid pursuant to Section 92.09 of this chapter.

(Ord. 259)

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.

(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 ten (10) 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. 328 – Sep. 99 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. 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. 335 – Oct. 00 Supp.)*
(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every residential customer served a \$80.00 deposit and from every commercial user a \$200.00 deposit intended to guarantee the payment of bills for service.
(Code of Iowa, Sec. 384.84)

7
See
Proposed

92.10 CUSTOMER REQUESTED TERMINATION OF SERVICE. Any customer desiring to have water service terminated shall be required to fill out a Request For Termination form at City Hall to begin termination procedure and shall be present at the site at the time of termination. Re-establishment of service shall be conducted in the same manner as termination. No water service shall be considered terminated until the Water Department has terminated service at the curb stop and removes the water meter. All water meters shall be removed and installed by the Water Department only. There shall be a ten dollar (\$10.00) fee collected for shutting the water off at the curb stop and a ten dollar (\$10.00) fee for restoring service. If the renter is not delinquent but the property owner wants the water turned off, the City cannot turn off the water. (Amended by Ordinance No. 259)

Supp. Jun-97

Code of Ordinances, Cresco, Iowa

ORDINANCE NO. 438

AN ORDINANCE AMENDING CHAPTER 90, WATER SERVICE SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF CRESCO REGARDING CONNECTION REGULATIONS AND FEES FOR CONNECTIONS OUTSIDE THE CITY LIMITS

CHAPTER 90, WATER SERVICE SYSTEM, OF THE CODE OF ORDINANCES OF CRESCO, IOWA CONSISTING OF SECTIONS 90.01 TO AND INCLUDING 90.22 IS HEREBY AMENDED BY AMENDING SECTIONS 90.06, 90.09, 90.14 AND ADDING NEW SECTION 90.23 AS FOLLOWS:

T & A \$100 + Saddle
90.06 TAPPING AND SADDLE CHARGES. There shall be a tapping charge in the amount of \$250 for each service connection plus the cost of the saddle needed to make the connection.

\$150 - Hookup Fee
90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135. In addition, any service lines which must cross a finished street, alleyway or other public thoroughfare shall be bored under such street, alley or other public thoroughfare to avoid damage to such street, alley or public thoroughfare. All boring costs shall be borne by the homeowner or customer.

90.14 CURB STOP. There shall be installed within the public right-of-way, a main shut-off valve of the inverted key type on the water service pipe at the outer sidewalk line with a suitable lock of a pattern approved by the Superintendent. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground. The curb stop must be maintained and in working order by the property owner. Failure to repair the curb stop may result in the City repairing the curb stop and assessing the cost to the property owner.

*12/14/17
9/20/16
(2)*
90.23 CONNECTION CHARGES. In addition to any permit fees or other charges established in this chapter, the City Council may establish connection charges by resolution and may amend those charges from time to time by resolution. Because the City Council finds that it is in the best interests of the City and its inhabitants to ensure that the City obtains sufficient funds to reimburse the City for making and supervising connection of properties to water service facilities, there shall be a connection fee of not less than \$5,000.00 (five thousand dollars) for water service for properties located outside of the city limits of the City of Cresco. The City Council shall have the discretion to waive the connection fee in the event that the property to be connected is located in area which is voluntarily annexed to the City of Cresco.

All other sections of Chapter 90, being Sections 90.01 to and including new section 90.23 shall remain the same and unchanged and in full force and effect.