

ORDINANCE NO. 2025-03
AN ORDINANCE AMENDING
THE CODE OF ORDINANCES OF THE CITY OF HORNICK, IOWA,
TITLE VI PHYSICAL ENVIRONMENT, CHAPTER 5
PERTAINING TO UTILITIES – BILLING CHARGES
6-5-4; 6-5-5; 6-5-8; 6-5-9; 6-5-10; ORDINANCE NO. 2018-01

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF HORNICK, IOWA:

SECTION 1: SECTIONS AMENDED. Sections 6-5-4, 6-5-5, 6-5-8, 6-5-9, 6-5-10 and Ordinance No. 2018-01 of the Code of Ordinances of the City of Hornick, Iowa, is hereby referenced and amended to remain consistent with the following language as adopted into the Title VI , Chapter 5 Utilities – Billing Charges:

Sections Amended (changes shown):

6-5-4 BILLING, PENALTY.

1. Bills Issued. The Clerk shall prepare and issue Utility bills for combined service accounts on or around the first day of each month for services rendered in the prior month.
2. Bills Payable. Utility bills shall be due and payable by the twentieth (20th) of the month. When the twentieth (20th) falls on a day that the office is closed, the Clerk shall accept payment on the next office day without penalty. Payment shall be made to the City of Hornick and delivered to the office of the City Clerk.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of five percent (5%) of the amount due shall be added to each delinquent bill.
4. Exception. Exception to billing and penalty shall be provided for resident head of household serving active military deployment as ordered by his/her service within and for US Armed Forces.
 - a. Actively deployed military personnel serving as head of household within the City of Hornick shall have monthly fees and related charges that would otherwise be assessed due to late or non-payment of those monthly utility fees waived for City Utilities. Monthly utility fees waived shall include only the Single Residential Base Rates for Water, Sewer Rent, Landfill Fee, Garbage Can fee for one 60-gallon can and Capital Improvements Water Project Fee.
 - b. Term of waived fees and related consumption charges shall correlate with written service orders and shall cease upon fulfillment of said orders.

(Code of Iowa, Sec. 384-84(1))

6-5-5 DISCONTINUING SERVICE, FEES. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. If any account is not paid within thirty (30) days of the due date, the Clerk shall assess a notification fee of Ten Dollars (\$10.00) and notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges and notification charges, is not received by the date specified in the notice of delinquency. The date specified shall be no less than 12 days from the date of notice. Such notice shall be sent by ordinary mail to the customer, and also by e-mail if the customer receives monthly billing by e-mail, and shall inform the customer of the nature of the delinquency and shall afford the customer the opportunity for a hearing prior to the discontinuance of water service.
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. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the disconnection, the Clerk shall establish a time to conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment in full has been received.

(Code of Iowa, Sec. 199-21.4)

4. Fees. A non-payment fee of \$50.00 shall be charged when the delinquent utility bill, or charges for the violation of any Ordinance is not paid by the day and time stated on the notice of delinquency, water service will be discontinued. If service is discontinued for nonpayment of fees, or for the violation of any Ordinance, all balances due shall be remitted to the City prior to water service being restored. If any such charge for services and fees is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

(Code of Iowa, Sec. 384.84 (2))

5. Liens. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the 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 property lessor of the property has made a written request for notice, the notice shall also be given to the owner. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may

certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384-84(3))

6-5-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits:

(Code of Iowa, Sec. 384-84(1))

1. Single Residential and Commercial Property:

Base Rate - \$31.35 (includes first 2,000 gallons of water usage)

Each additional 1,000 gallons of water - \$5.50 per 1,000 gallons

Water Improvements Capital Projects Fee - \$20.00

The minimum Base Rate charge for water shall be \$31.35 for Single Residential and Commercial Property per billing month. Water Excise Tax and Sales Tax shall be charged and collected by the City per Iowa Department of Revenue regulations.

2. Multi-Residential:

Base Rate - \$62.70 (includes first 4,000 gallons of water usage)

Each additional 1,000 gallons of water - \$5.50 per 1,000 gallons

Water Improvements Capital Projects Fee - \$40.00

The minimum Base Rate charge for water shall be \$62.70 for Multi-Residential per billing month. Water Excise Tax and Sales Tax shall be charged and collected by the City per Iowa Department of Revenue regulations.

3. Bulk-Rate:

\$10.00 per 1,000 gallons or any portion thereof. All bulk rate sales must have prior approval by the City of Hornick. Water Excise Tax and Sales Tax shall be charged and collected by the City per Iowa Department of Revenue regulations.

4. Rate Adjustment:

On or before the 1st day of May each year, the City Clerk shall provide data to the City Council to determine the increase needed for unit water rates. Increase adjustments shall be based on the multiplication of the current rate by 1% or more, as determined by the City Council. This increase shall go into effect on the July 1st invoice each year.

At the same time each year the City Clerk will review the debt and reserve for water, and the City Council will decide if the base rate for water service should be lowered or raised according to the debt and reserve needs for water. Increase or decrease adjustments shall be based on the multiplication of the current rate by 1% or more, as determined by the City Council. This increase shall go into effect on the July 1st invoice each year.

The Water Improvements Capital Projects Fee will be reviewed by City Council at such time that the Water Distribution Project loan obligation has been met.

6-5-9 REFUSE COLLECTION RATES. There shall be collected by the City a monthly fee for its services in collecting garbage and rubbish. The refuse collection fees shall be invoiced

and paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this ordinance. Sales Tax shall be charged and collected by the City per Iowa Department of Revenue Regulations

(Code of Iowa, Sec. 384-84(1))

The following mandatory monthly fees are:

1. Residence Rate. For each residence with alley or curb pickup:
\$17.97 per each 60 gallon can
\$19.14 per each 90 gallon can
\$12.67 per residence for landfill fees
2. Commercial Rate. Rates for commercial establishments shall be established by the City Council.
3. Rate Adjustment.
On or before the 1st day of May each year, the City Clerk shall provide data to the City Council to determine the increase needed for refuse collection rates. Increase adjustments shall be based on the multiplication of the current rate by 1% or more, as determined by the City Council. This increase shall go into effect on the July 1st invoice each year.

6-5-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. There shall be collected by the City a monthly fee for sewer rent. The sewer rent shall be invoiced and paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this ordinance, or, if connection has not been made, after the connection to the sewer system is made. Sales Tax shall be charged and collected by the City per Iowa Department of Revenue Regulations.

(Code of Iowa, Sec. 384-84(1))

The fees for monthly sewer rent fees are as follows:

1. Single Residential and Commercial Property
Sewer Rent - \$17.00 monthly
2. Multi-Residential
Sewer Rent - \$34.00 monthly
3. Rate Adjustment. On or before the 1st day of May each year, the City Clerk shall provide data to the City Council to determine if a sewer rent rate should be lowered or raised. Increase or decrease adjustments shall be based on the multiplication of the current rate by 1% or more, as determined by the City Council. This increase shall go into effect on the July 1st invoice each year.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity

of the ordinance as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2025.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published by posting in three public places in the city as Ordinance No. _____ on the _____ day of _____, 2025.

Lori J. Teel, City Clerk

Public Hearing Date: _____

Passed First Reading: _____

Passed Second Reading: _____

Passed Third Reading: _____

Effective Date: _____