

CHAPTER 15
CHARGES FOR USE OF WATER SYSTEMS IN JONES COUNTY
TITLE V - PUBLIC ORDER, SAFETY & HEALTH

SECTION 1. PURPOSE

CHAPTER 15 of TITLE V - PUBLIC ORDER, SAFETY & HEALTH of the Jones County, Iowa Code of Ordinances is adopted with the purpose of providing revenues to support the water system operated in Jones County in cooperation with the Eastern Iowa Regional Utility Service Systems (EIRUSS), as follows:

SECTION 2. DEFINITION

WATER UTILITY DEFINED. For use in this chapter, a water utility is the water system located in Jones County that is owned and operated by the Eastern Iowa Regional Utility Service Systems (EIRUSS) under a 28E Agreement with the County.

SECTION 3. FEES

- A. DISPOSITION OF FEES AND CHARGES. All revenues and money received under this chapter shall be deposited in the EIRUSS treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the ECIA/EIRUSS finance department.
- B. BILLING, PENALTY. Utility bills shall be due on the fifteenth (15th) day of the month following the month for which service is billed. Payment shall be made to EIRUSS. Bills shall become delinquent after the twenty-fifth (25th) day of the month in which due and bills paid after said day shall have added a penalty of ten (10) percent of the amount of the bill for utility service. When the twenty-fifth day falls on Saturday or Sunday, the EIRUSS shall accept payment on the next office day without penalty.

SECTION 4. DISCONTINUING SERVICE AND FEES

- A. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
 - 1. EIRUSS shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to EIRUSS by noon on the day preceding the scheduled shut-off date or discontinuance of service."
 - 2. When a hearing is requested by a customer, the EIRUSS Chairperson or a person designated by the Chairperson shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Chairperson or designated person is final.

- B. If service is discontinued for nonpayment of fees and charges, or for the violation of any regulation governing the water system, a fee of \$25.00 shall be paid to EIRUSS in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by Jones County for said water system, which said lien shall be collected in the same manner as taxes.
- C. 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 by the Board of Supervisors 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.
- D. If the property in which there are delinquent utilities owing is sold before the County certifies the lien to the County Treasurer, the County may certify the delinquent utilities against another property located in this state owned by the delinquent user.

SECTION 5. RESIDENTIAL RENTAL PROPERTY

For 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 property lessor gives written notice to EIRUSS that the tenant is liable for the charges and a deposit not exceeding the usual cost of ninety (90) days of water service is paid to the utility. Upon receipt, EIRUSS 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, EIRUSS shall return the deposit, within ten days, 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.

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 by the Board of Supervisors 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 or property lessor.

SECTION 6. CUSTOMER GUARANTEE DEPOSITS

Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be equal to two months minimum payment. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for EIRUSS to require a new or larger deposit for the continuation of service.

SECTION 7. WATER RATES

- A. All fees for application, connection, and service for a public water system are determined by the relevant owner/operator of the public water system.
- B. The owner, lessee or tenant of a premises served by a public water system that is organized by Jones County pursuant to Chapter 28E of the Iowa Code, shall be jointly and severally liable for water rates and charges to the premises. Pursuant to Chapter 28F.5 of the Iowa Code, water rates and charges unpaid and delinquent after 60 days shall constitute a lien upon the premises served and shall be certified by the Jones County Board of Supervisors to the Jones County Treasurer for collection in the same manner as property taxes.
- C. Center Junction Community Water Rates. Water shall be furnished in the community of Center Junction at the following monthly rates and shall be paid by all properties serviced by the water system:
 - 1. The first 1,500 gallons per month shall be charged \$47.00 per month, effective with the July, 2019 billing.
 - 2. All gallons over 1,500 gallons per month shall be charged \$3.00 per 1,000 gallons.
 - 3. The minimum charge shall be \$47.00 per household or business building per billing month.

SECTION 8. OPERATION AND USE

The owner, lessee or tenant of a premises served by a public water system that is organized by Jones County pursuant to Chapter 28E of the Iowa Code shall be jointly and severally liable for the operation and use requirements placed on its water system.

SECTION 9. ENFORCEMENT PROCEDURES.

It shall be the duty and responsibility of the Board of Supervisors to enforce the provisions of this regulation, however, this duty may be delegated to an authorized representative.

- A. REFUSAL OF ADMITTANCE. In the event that EIRUSS, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made under oath at the District Court in the County and said Court thereupon issue a warrant directed to some peace officer of the County, commanding him/her between the hours of sunrise and sunset, accompanied by EIRUSS, to enter upon the premises and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.
- B. NOTICE. Whenever EIRUSS determines that there are reasonable grounds to believe there has been a violation of any provisions of this regulation, he/she shall give notice of such alleged violation to the person or persons responsible, as thereof provided. Such notice shall:

- Be in writing.
- Include a statement of the reasons why it is being used.
- Allow reasonable time for performance of any act it requires.
- Be served upon the owner or his/her agent of occupant, as the case may require.

Such notice shall be deemed to be properly served upon him/her personally, or if a copy is sent by certified mail to his/her last known address, or if he/she is served with such notice by any other method authorized or required by the laws of the state.

Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this regulation. This provision is not meant to limit the EIRUSS right of entry during his/her investigation.

C. HEARINGS. In the event any person is aggrieved by any order made by EIRUSS, he/she may within twenty (20) days of the date of such order, appeal to the Board of Supervisors and in writing state his/her reasons for requesting to be rescinded or modified. The Board of Supervisors shall review the action of EIRUSS, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order. Appeal from the Board of Supervisors may be taken within twenty (20) days to the District Court of Jones County, Iowa.

D. PENALTIES. Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

E. COURT ORDER. Whenever, in the judgment of the Board of Supervisors or EIRUSS, any person that has engaged or is about to engage, in any acts or practices which constitutes or will constitute a violation of this ordinance, application may be made to the appropriate court to grant appropriate relief to abate or halt the violation, or both.

SECTION 10. SEVERABILITY.

Should any section or provision of the Ordinance be declared by a court of competent jurisdiction to be invalid, that provision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 11. REGULATION EFFECTIVE UPON PUBLICATION.

This ordinance, and any amendments thereof, shall be in force and effect from and after its passage and publication as provided by law.

Passed and approved November 10, 2016
[As Ordinance 2016-10]
Published November 23, 24, and 25, 2016

Amended March 20, 2018
[As Ordinance 2018-03]
Published April 4, and 5, 2018

Amended June 26, 2018
[As Ordinance 2018-05]
Published July 11, and 12, 2018

Amended May 21, 2019
[As Ordinance 2019-04]
Published June 5, and June 6, 2019