

## Chapter 3-5

### WATER RATES

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#### **3-5-1 Water Rates**

Effective for billings made on or after January 1, 2011 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$9.81 for the first 1,500 gallons  
\$2.94 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$9.81 for the first 1,500 gallons  
\$2.94 per 1,000 gallons for the next 8,500 gallons.  
\$2.12 per 1,000 gallons for the next 150,000 gallons.  
\$2.03 per 1,000 gallons for the next 840,000 gallons.  
\$2.40 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2011 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$10.30 for the first 1,500 gallons  
\$3.09 per 1,000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$10.30 for the first 1,500 gallons  
\$3.09 per 1,000 gallons for the next 8,500 gallons.  
\$2.23 per 1,000 gallons for the next 150,000 gallons.  
\$2.13 per 1,000 gallons for the next 840,000 gallons.  
\$2.52 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2012 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$10.82 for the first 1,500 gallons  
\$3.24 per 1000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$10.82 for the first 1,500 gallons  
\$3.24 per 1,000 gallons for the next 8,500 gallons.  
\$2.34 per 1,000 gallons for the next 150,000 gallons.  
\$2.24 per 1,000 gallons for the next 840,000 gallons.  
\$2.65 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2014 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$11.36 for the first 1,500 gallons  
\$3.40 per 1,000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$11.36 for the first 1,500 gallons  
\$3.40 per 1,000 gallons for the next 8,500 gallons.  
\$2.46 per 1,000 gallons for the next 150,000 gallons.  
\$2.35 per 1,000 gallons for the next 840,000 gallons.  
\$2.78 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2015 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$11.93 for the first 1,500 gallons  
\$3.57 per 1,000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$11.93 for the first 1,500 gallons  
\$3.57 per 1,000 gallons for the next 8,500 gallons.  
\$2.58 per 1,000 gallons for the next 150,000 gallons.  
\$2.47 per 1,000 gallons for the next 840,000 gallons.  
\$2.92 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

Effective for billings made on or after July 1, 2016 water shall be furnished to consumers at the following monthly rates, per meter:

(A) Residential Rate:

A base rate of \$12.53 for the first 1,500 gallons  
\$3.75 per 1,000 gallons for all water used in excess of 1,500 gallons

(B) Commercial and Industrial rates:

A base rate of \$12.53 for the first 1,500 gallons  
\$3.75 per 1,000 gallons for the next 8,500 gallons.  
\$2.71 per 1,000 gallons for the next 150,000 gallons.  
\$2.59 per 1,000 gallons for the next 840,000 gallons.

\$3.07 per 1,000 gallons for all water used in excess of 1,000,000 gallons.

The City Council may, by written contract, provide for commercial and industrial rates that are at variance with those set forth above if those same contracts provide long term guarantees that minimum payments will be made to the city to cover future bonded indebtedness during the term of the contract.

(C) If a single meter serves a property or area containing one or more multiple dwellings, or an area or property with several residential dwellings, the residential rate shall apply.

(D) If a single meter serves an area or property that is used for both residential purposes and for commercial and industrial purposes, the rate for the use that constitutes the majority of the consumption of water shall be used; or, the City Council may order that separate meters be installed to measure the water consumed by each such use.

(E) Effective January 1, 2011 the minimum rate for each user of 1,500 gallons or less shall be nine dollars and eighty-one cents (\$9.81) per month, per meter, effective July 1, 2011 the minimum rate for each user of 1,500 gallons or less shall be ten dollars and thirty cents (\$10.30) per month, per meter, effective July 1, 2012 the minimum rate for each user of 1,500 gallons or less shall be ten dollars and eighty-two cents (\$10.82) per month, per meter, effective July 1, 2014 the minimum rate for each user of 1,500 gallons or less shall be eleven dollars and thirty-six cents (\$11.36) per month, per meter, effective July 1, 2015 the minimum rate for each user of 1,500 gallons or less shall be eleven dollars and ninety-three cents (\$11.93) per month, per meter, and effective July 1, 2016 the minimum rate for each user of 1,500 gallons or less shall be twelve dollars and fifty-three cents (\$12.53) per month, per meter. If a single meter shall serve more than one dwelling unit, commercial user, or industrial user, the minimum rate shall be increased by a factor equal to the total number of such units or users being served. As used herein, a dwelling includes separate apartments, condominiums, mobile homes or distinct portions of a duplex or multi-family dwelling, but it does not include dormitory rooms, hotel rooms, motel rooms or boarding rooms without separate kitchen and bath facilities.

(F) Definitions:

1. "RESIDENTIAL CONSUMER": A consumer purchasing water for single or multi-family dwelling units whether or not such units are used exclusively for family living purposes.
2. "COMMERCIAL CONSUMER": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is less than one hundred sixty thousand (160,000) gallons per month.
3. "INDUSTRIAL CONSUMERS": A consumer purchasing water who does not qualify as a residential consumer and whose average monthly consumption, computed on an annual basis, is more than one hundred sixty thousand (160,000) gallons per month.

(Ord. 07-O-2012-2013, Amended, 04/01/2013; Ord. 12-O-2010-2011, Amended, 04/18/2011; Ord. 07-O-2008-2009, Amended, 01/05/2009; Ord. 7-O-2002-2003, Amended, 03/17/2003; Ord. 17-O-2001-2002, Amended, 06/17/2002; Ord. 13-O-2001-2002, Amended, 02/18/2002; Ord. 11-O-2001-2002, Amended, 02/04/2002)

### **3-5-2 Payment, Penalty, and Deposit For Water**

(A) Payment and Penalty: The water rates or rents shall be due and payable monthly at the office of the Clerk on the first day of each month and in case the possession of any property shall change, the amount due for water shall be due and payable at once by the outgoing tenant. Water shall be turned on after a new connection has been made under the direction of the City Administrator or his/her designee and it

shall be the duty of the City Administrator or his/her designee to keep a map in the office of the Clerk showing all water mains and connections made thereto. As soon as the same have been completed, the City Administrator or his/her designee shall report to the Clerk the completion of such connection and the name of the water taker shall be then entered upon the books of said Clerk. In addition to any other remedy hereinafter provided, there will be an additional ten percent (10%) charge for water rents not paid within fifteen (15) days after the same becomes due and payable. The ten percent (10%) charge shall be based upon the total of water rents, sewer rents and landfill charges shown on the subject bill.

(B) Combined Utility Deposit: 1.A combined utility deposit will apply according to 3-9 of City Code.

(Ord. 17-O-2005-2006, Amended, 06/19/2006; Ord. 05-O-2001-2002, Amended, 09/17/2001)

### **3-5-3 Cut-Offs**

Any water rents not paid within fifteen (15) days after the same becomes due shall be deemed delinquent and the Clerk shall at once order the water supply cut off until such rent is paid together with a fee, in the amount set by Council Resolution, to cover the costs of the turning off and on of such water supply. A disconnect notice will be posted at the premises and a fee, in the amount set by Council Resolution, will be added to the delinquent account to cover the cost of posting the notice. All meters where possible shall be placed within the building taking water in such location as to be easily accessible to the person reading the same and shall be carefully protected from frost or damage of any kind, and it shall be the duty of the water user to notify the Clerk in case of any defect in his/her meter.

(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

### **3-5-4 Water Shortages**

During and following drought conditions which may occur from time to time, the supply of water available to the Storm Lake Water Plant may become significantly and seriously depleted so that there will not then be sufficient supply of water to meet the customary and usual demand indefinitely. There may also be times when, because of plant failure or design limitations, the demand for water exceeds the capability of the water plant to produce treated water. Under those conditions, the City Council may find and declare by resolution, a public emergency water shortage, during which time it may require any or all of the water conservation methods set forth in Section 3-5-5 of this Chapter for the purpose of producing an orderly and equitable curtailment of water consumption until, by resolution, the Council finds and declares the water shortage emergency to be ended. The Council may specifically authorize by resolution any of the water conservation measures set forth in Section 3-5-5, and in addition, or in the alternative, it may authorize the Mayor or City Administrator, or both to designate by proclamation which water conservation measures or additional water conservation measures shall apply.

(Ord. 01-O-2002-2003, Amended, 07/15/2002)

### **3-5-5 Water Conservation Measures**

The Council by resolution, or the Mayor or City Administrator by proclamation, if authorized, may select from among the following water conservation measures:

(A) There may be restrictions on the watering of lawns, gardens, plants, trees or shrubs including but not limited to a total ban on such watering, alternate day watering or watering limited to not more than a certain amount of watering within a certain specified period of time or within a particular time frame. In this connection, if circumstances so permit, restrictions may also be varied as between lawns, gardens, plants, trees and shrubs, and restrictions may be varied as between established lawns and plantings as

compared to new seeding or sod or new plantings.

(B) There may be restrictions or complete prohibitions against noncommercial vehicle washing or commercial vehicle washing or both.

(C) There may be restrictions or complete prohibitions against the filling of private swimming pools, children's wading pools, or any other outdoor pool of any kind or description.

(D) Each customer may be required to achieve a particular percentage reduction in water usage as compared to a prior period water usage and be subject to the payment of a premium rate over and above the normal rate in the event such percentage reduction is not achieved. The amount of percentage reduction and the base period for comparison purposes shall be established by resolution or proclamation as previously set forth. The premium rate shall be as set forth in Section 3-5-7 of this Chapter.

(E) The Council, but not the Mayor or City Administrator, may set a base allocation for every customer of the Storm Lake water system, and if the consumption of a particular customer exceeds the base allocation, that customer shall pay, in addition to the regular rate for water consumption, the premium rate set forth in Section 3-5-7 for excessive consumption.

### **3-5-6 Appeal And Adjustment**

(A) Base Allocation: In the event that the Council establishes a base allocation by resolution, any customer of the Storm Lake water system may file an appeal with the City Administrator to adjust the base allocation amount. The City Administrator may grant an adjustment to the appellant based on the following criteria:

1. For single-family residential use, the base allocation may be increased to two hundred (200) cubic feet per person per billing period for all individuals residing at the appellant's residence for a period more than thirty (30) days.
2. For commercial, industrial, institutional or other residential use, the base allocation may be increased based on facts appropriate to the individual customer as, for example, the average of the water bill during the previous winter (November through April), production, service, or occupancy data provided by customer.

(B) Premium Rate Charges: Any customer may file for adjustment of the premium rate charges for excessive water consumption with the City Administrator. The City Administrator may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. The cause of the high consumption must be mechanical in nature (such as broken or leaky pipes or fixtures) rather than human carelessness.
2. The customer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment may be granted only for the billing period prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjustment premium rate shall be two dollars (\$2.00) per one thousand (1,000) gallons which shall be in addition to the normal rate.

### **3-5-7 Premium Rate**

At such times as there may be restrictions on consumption which is violated give rise to a premium rate, the premium rate shall be the amount of two cents (\$.02) per gallon of excess water consumed.

### **3-5-8 Reduction In Flow Of Water To Any Customer**

The City Administrator is authorized, after giving notice and opportunity for hearing, to reduce the flow of water to any customer determined to be using water in any manner not in accordance with this Chapter or a resolution or proclamation issued pursuant to Section 3-5-4.

### **3-5-9 Exceptions To Water Conservation**

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than from the Storm Lake Municipal water system, such as water condensed from the atmosphere by air conditioners or collected from rain or snow may be used without restriction.

### **3-5-10 Municipal Infraction**

A violation of any of the provisions of this chapter or of a resolution or proclamation issued pursuant to Section 3-5-4 of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa, and the fact that the customer has been charged or paid the premium rate authorized by Section 3-5-7 shall not constitute a bar to prosecution of the Municipal infraction.