

CHAPTER 96

SEWER USE SERVICE CHARGES

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96.01 COMPREHENSIVE SEWER SERVICE CHARGE. Every person whose premises is served by connection to the Sanitary Sewer System of the City, either directly or indirectly, shall pay to the City a comprehensive sewer service charge for the use of and for services supplied by the Water Pollution Control Facilities of the City, which charges consist of:

1. Basic user charge for the O & M of the Water Pollution Control Plant.
2. A surcharge for the O & M of the Water Pollution Control Plant for wastes contributed of strengths greater than domestic wastewater.
3. A basic user charge for the O & M of the Sanitary Sewer System.
4. A billing and collection charge.
5. A debt service charge.
6. An industrial cost recovery charge, where applicable.

96.02 ACCOUNTS ESTABLISHED. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

1. Operation and Maintenance Account. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.
2. Replacement Account. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made at least annually from the Operation, Maintenance and Replacement Fund.

96.03 YEAR-END BALANCES. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for

these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

96.04 RATES. The rates for the comprehensive sewer service charge shall be established every July by Council resolution and shall be as follows:

1. Water Pollution Control Plant. The basic user charge for the O & M cost of the Water Pollution Control Plant shall be based on the total number of services and on the quantity of flow of domestic wastewater recorded by water meters. The plant O & M budget is composed of the following basic budget items:

- A. Salaries and fringe benefits;
- B. Insurance, conference and billing expenses;
- C. Maintenance and operation of equipment and vehicles;
- D. Buildings and grounds operating supplies and maintenance;
- E. Utilities and laboratory expenses;
- F. Reserve for payment of bonds and equipment replacement.

2. Unit Cost Charges/Water Pollution Control Plant. The unit cost for all users shall be the sum of the unit cost for (a) flow, (b) B.O.D., and (c) Suspended Solids per gallon multiplied by the flow from each user. The unit cost for flow, B.O.D. and SS shall be determined as follows:

- A. Reserve for unit flow costs, as applied for industrial waste — \$1.00/100 cu. ft.
- B. Reserve for unit B.O.D. costs, as applied for industrial waste — depending on industrial discharge set by Council.
- C. Reserve for unit SS costs, as applied for industrial waste.

3. Surcharge. A surcharge for the O & M cost of the Water Pollution Control Plant shall be collected from those users who contribute wastes with strengths greater than domestic wastewater. These users shall be sampled and the sample analyzed at least once per quarter. A moving average of excess B.O.D. and SS, expressed in pounds, shall be used to compute the quarterly surcharge.

- A. Quarterly Excess B.O.D. The quarterly excess B.O.D., expressed in mg/l, shall be calculated by subtracting the B.O.D. of domestic wastewater (250 mg/l) from the quarterly average B.O.D. of a user. If the value is less than zero, zero shall be used to compute the moving average of excess B.O.D.

B. Moving Average Excess B.O.D. Value. The moving average of excess B.O.D., expressed in pounds, shall be computed by adding the latest quarterly excess B.O.D., expressed in pounds, to the previous three (3) quarters' excess B.O.D., expressed in pounds, and divided by four (4).

C. B.O.D. Surcharge Amount. The surcharge for B.O.D. shall be calculated by multiplying the moving average excess B.O.D. value expressed in pounds by the unit B.O.D. cost per pound as developed in subsection 2(B) of this section.

D. Quarterly Excess SS. The quarterly excess SS, expressed in mg/l, shall be calculated by subtracting the SS of domestic wastewater (250 mg/l) from the quarterly average SS of a user. If the value is less than zero, zero shall be used to compute the moving average of excess SS.

E. Moving Average Excess SS Value. The moving average of excess SS, expressed in pounds, shall be computed by adding the latest quarterly excess SS, expressed in pounds, to the previous three (3) quarters' excess SS, expressed in pounds, and divided by four (4).

F. SS Surcharge Amount. The surcharge for SS shall be calculated by multiplying the moving average excess SS value expressed in pounds by the unit SS cost per pound as developed in subsection 2(C) of this section.

The total surcharge shall be a sum of the surcharge for B.O.D. and the surcharge for SS.

4. Sanitary Sewer System. The basic user charge for the O & M of the sanitary sewer system shall be based on the minimum monthly charge and on the quantity of flow. The sanitary sewer system O & M budget is composed of the following basic budget items:

- A. Repair and maintenance of sewer lines;
- B. Repair and maintenance of vehicles and equipment;
- C. Reserve for future sewer extensions and equipment.

5. Unit Costs and Flow Charge/Sanitary Sewer System.

A. Unit Costs. The unit cost for flow shall be calculated by dividing the anticipated budget by the quantity of flow billed to all users of the sanitary sewer system.

B. Flow Charge. The charge for flow shall then be calculated by multiplying the unit cost for flow by the users' flow measured in cubic feet.

96.05 BILLING AND COLLECTION CHARGES. The cost of determining the amount due from each user and the collection of the same shall be borne by the user. Each user shall be billed on a regular basis, i.e., monthly or quarterly, for the amount of the

comprehensive sewer service charges. Such bill shall be part of a combined service account as authorized by Section 384.84 of the Code of Iowa. Each regular bill shall be increased by a charge to defray the cost of computing and mailing said bill. The cost per bill will be determined by dividing the anticipated cost of billing and collection by the total number of bills mailed to users.

96.06 DEBT SERVICE CHARGES. A debt service charge shall be collected to pay principal and interest as they become due on bonds now issued and hereafter to be issued for sanitary sewer purposes.

1. Unit Costs. The charge for the total annual debt service for such bonds shall be based on quantity of flow recorded by meters. The unit costs for flow shall be calculated by dividing the total debt service by the quantity of flow billed to all users.

2. Flow Charges. The charge for flow shall then be calculated by multiplying the unit cost for flow by the users' flow measured in cubic feet. That portion of the total user charge collected which is designated for debt service shall be deposited in a separate non-lapsing fund known as the Sewer Debt Service Fund. The funds shall be used to pay the principal and interest on debt issued for sewer operations, maintenance and improvements. Fiscal year-end balances in the sewer debt service fund shall be carried over to the same account in the subsequent fiscal year, and shall be used for no other purpose than the designated purpose of the fund. Moneys which have been transferred from other sources to meet temporary shortages in the sewer debt service fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for sewer debt service. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

96.07 INDUSTRIAL COST RECOVERY.

1. Rates. The rates to be charged each industrial user that contributes process waste to the sanitary sewer system will be based on the total yearly contribution from that user. A unit cost for flow, B.O.D. and SS shall be computed as follows:

F = Unit flow charge in dollars per \$1.00/100 cu. ft.

B = Unit B.O.D. charge in dollars per pound, set by industrial discharge

S = Unit SS charge in dollars per pound, set by industrial discharge

2. Monitoring and Review. Selected industrial users connected to the sewer system shall be monitored by the City at least monthly, all others yearly, to determine their hydraulic and organic contribution. The results of these tests, if more than one is conducted, shall be averaged and used as the individual industry's total flow, B.O.D. and SS for the industrial cost recovery computation. Prior to July

1 of each year, the City shall conduct a review to determine what industrial users are connected to said system and therefore subject to these charges.

3. Billing; Payment; Collection. All industrial users subject to this section will be billed by the City in accordance with the terms and conditions established by the Council for the industrial user. All payments of industrial cost recovery charges shall be due and payable on or before one year from date of billing. Any industrial users subject to this section may make arrangements with the City to pay said annual billing in periodic installments, either monthly or quarterly. In all cases where payment has not been made on or before one year following the date of billing, the annual industrial cost recovery charges shall thereafter bear interest at the rate of seven percent (7%) per annum.

96.08 MEASUREMENT BY METERS. Rates or charges are based upon the amount of water supplied by the Municipal Utilities as shown by the water meter readings of that company. All persons required to pay the comprehensive sewer service charge established in Section 96.01 of this chapter shall receive billing for such charge separately stated on the Municipal Utilities' bill and shall pay such charges to the Municipal Utilities as billed. Those users who are billed by the Municipal Utilities monthly shall pay their comprehensive sewer user charges monthly.

96.09 PENALTY. All comprehensive sewer user charges are due and payable thirteen (13) days after the date of billing. Accounts not paid within thirteen (13) days will be assessed a delinquency charge of five percent (5%) of the amount due, except tax.

96.10 USER CHARGE RATE. *(REPEALED BY ORDINANCE NO. 98-26 - JUN. 98 SUPP.)*

96.11 SERVICE CHARGE FOR SCHOOLS SERVING FOOD. Because of the excessive strength and flow of discharge waters into the City sanitary sewer system from schools serving food, the monthly service charge as specified in the above sections shall be increased by a rate to be set by the Council for all schools serving food and discharging wastes into the City's sanitary sewer system.

96.12 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sanitary sewer use charges to the premises. 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. The Council may order suspension of service to those premises for which the comprehensive sewer use charge is delinquent, after notice and opportunity for hearing, except for the winter months of November, December, January, February and March, when provision of State law shall be followed.

(Code of Iowa, Sec. 384.84 [1])

96.13 MONTHLY RATES.

1. Billing.
 - A. \$5.78 per month for meter rate;
 - B. \$4.22 per 100 cubic feet[†] *(Ord. 21-196 – Feb. 21 Supp.)*
2. Allowable Limits.
 - A. Biological Oxygen Demand (BOD₅), 5-day test - 250 mg/l
 - B. Suspended Solids (SS) - 250 mg/l
 - C. Ammonia Nitrogen (NH₃-N) - 25 mg/l
3. Sewer Connection Charge.
 - A. Inspection and hook-up fee - \$50.00, to be reviewed yearly
(Ord. 99-33 – Apr. 99 Supp.)
 - B. Capital Cost Recovery Fee.
(Repealed by Ord. 99-33 – Apr. 99 Supp.)

[†] **EDITOR'S NOTE:** Effective July 1, 2021. Adopted by Ordinance 21-196 on January 19, 2021.

4. Collection of residential solid waste.
 - A. Collection fees - \$21.50 per month
(Ord. 16-165 - Mar. 16 Supp.)
5. Each contributor who has a residential or commercial footing tile or sump pump connection to the City sanitary sewer system or a leaking sanitary sewer service shall pay an additional amount as outlined in the City of Creston's Inflow and Infiltration Policy. By reference the City of Creston's Inflow and Infiltration Policy, as it may be amended from time to time, is hereby incorporated into this subsection and made a part of this chapter as if fully set forth herein.
(Ord. 13-138 – Sep. 12 Supp.)

96.14 LAWN AND GARDEN WATERING SYSTEMS.

1. Definitions.
 - A. “Lawn and garden watering systems” are defined as those systems which are closed or restricted and used solely for watering a lawn and/or garden.
 - B. “Closed systems” are those which are not capable of being used for any other purpose than as set forth herein; and have no open faucet, no hose bib, no hydrant or any other type of extension capable of connecting to a hose or to run water out of the system.
 - C. “Restricted systems” are those which are a direct system from a separate meter and used solely for watering a lawn and garden. This system is connected to all outside bibs/faucets. No separate bib/faucet will be allowed. The sewer taxed portion of the system may not have an outside bib/faucet when used with this restricted system.
2. The lawn and/or garden watering system shall be connected to an independent second meter, which shall not be subject to any sewer surcharge or minimum sewer charge.
3. In order to install the second meter, the user must have an active primary service in place which is subject to all minimum fees and charges.
4. All expense for installation and maintenance for the entire system and the secondary meter shall be borne by the user requesting the service.
5. The user shall comply with all City Waterworks requirements regarding that portion of the system from the City main to and including the meter.
6. The user shall comply with all Public Works Department requirements for that portion of the system from the meter thereafter. The user may establish an external meter pit for the secondary meter. The pit shall be completely on private property and not on any public right-of-way, unless an easement is secured from the City.

7. In all other respects the system shall comply with all other requirements of Chapter 96 of this Code of Ordinances.

8. The Public Works Department shall be allowed to check, any time, the connection to verify compliance. Any unauthorized use of the water from a lawn and garden water system shall be a violation of this section. Users who violate any provisions of this section may be subject to the sewer charge being added to the usage, and/or removal of the second meter.

(Ord. 98-26 - Jun. 98 Supp.)

96.15 LIEN EXEMPTION. Residential rental property where a charge for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services, 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 such services to 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 that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. 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 all 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 thirty (30) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs related to any of the services.*(Ord. 13-142 – Dec. 12 Supp.)*

(Code of Iowa, Sec. 384.84)

96.16 REVOCATION OF DISCHARGE PERMIT/TERMINATION OF SERVICE.

1. Grounds for Revocation of Discharge Permit and/or for Termination of Sewer Service. Any user who violates this article, any condition of its wastewater discharge permit, or any of the following is subject to having its discharge permit revoked and/or its sewer service terminated in accordance with the procedures of this section:

- A. Failure to accurately report the wastewater constituents and characteristics of its discharge.
- B. Failure of the user to report substantial changes in process activity or in volume or character of pollutants being discharged into the POTW at least 90 days prior to such change.
- C. Tampering with monitoring equipment.

- D. Refusal to allow reasonable access by the Wastewater Superintendent or designee to the user's premises for the purpose of inspection, monitoring or sampling.
 - E. Violation of permit conditions.
 - F. Failure to report an upset, failure or bypass of the user's pretreatment facilities.
 - G. Failure to pay fines, fees or sewer user chargers.
 - H. Failure to follow enforcement orders or compliance schedules.
 - I. Failure to correct a condition that impedes or alters the Wastewater Superintendent or designee's ability to monitor the user's discharge or has the potential to cause interference or pass through.
 - J. Failure to obtain a wastewater discharge permit as required by this article after notification by the Wastewater Superintendent or designee that such permit is required.
2. Procedure for Revocation of Discharge Permit and for Termination of Sewer Service. The procedure for revocation of a discharge permit and termination of sewer service shall be as follows:
- A. Any permit issued to a user pursuant to this article may be revoked, and sewer service terminated, by written order of the Wastewater Superintendent or designee, specifying the grounds for such revocation and termination as outlined in Section 1 of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to revoke a user's discharge permit and terminate sewer service, the Wastewater Superintendent or designee shall cause a notice of hearing to be prepared, specifying the violations of Section 1 of this section which are deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address listed on the wastewater discharge permit a minimum of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.
 - B. Sewer service may be terminated by written order of the Wastewater Superintendent or designee, specifying the grounds for such revocation and termination as outlined in Section 1(J) of this section, which order shall not take effect until hearing thereon as hereafter provided. Upon determining that grounds exist for an order to terminate sewer service, the Wastewater Superintendent shall cause a notice of hearing to be prepared, specifying the violation of Subsection 1(J) of this section which is deemed to have occurred, and the time, date and place that such hearing will be held. The notice shall be sent to the user by regular mail addressed to the user's address a minimum

of ten days prior to the date set for hearing, and shall be deemed delivered when placed in the mail.

C. If after such a hearing the Wastewater Superintendent or designee makes a finding based on substantial evidence that violations under Section 1 of this section have occurred as alleged, the Wastewater Superintendent may issue an order immediately revoking the permit, if a permit had previously been issued, and terminating sewer service to the user's premises. The determination to revoke such permit and terminate service, shall be in the discretion of the Wastewater Superintendent or designee and shall be dependent upon the circumstances surrounding the user's violations of Section 1 of this section and the severity of those violations. If the user does not appear for the hearing, the Wastewater Superintendent or designee shall issue the order revoking the discharge permit and/or terminating sewer service, which shall take effect immediately.

D. The decision and order of the Wastewater Superintendent or designee to revoke the permit of a user may be appealed to the Creston City Council. Such appeal request shall be in writing, shall include the grounds for appeal including any factual findings which are disputed, and shall be delivered to Wastewater Superintendent not less than ten days after the Wastewater Superintendent's entry of the order of revocation or permit and/or termination of sewer service. Such appeal request shall be considered delivered when placed in the mail, return receipt requested, addressed to: Creston City Administrator, 116 W. Adams Street, Creston, Iowa, 50801.

The City Administrator shall schedule the appeal and shall cause notice of the time, date and place of the hearing to be mailed to the appealing user. Such appeal shall be decided by majority vote of the Creston City Council. If the Creston City Council affirms the order of the Wastewater Superintendent or designee revoking the permit and/or terminating sewer service, the City Council shall so state and order in its written decision.

E. A user whose permit has been revoked shall not be eligible for another permit until thirty (30) days after the violating conditions have been corrected to the satisfaction of the Wastewater Superintendent or designee.

F. Upon determination by the Wastewater Superintendent or designee that the user's sewer service connection be terminated, the Wastewater Superintendent or designee's written order shall be sent to the City/County Public Works Department who shall cause the user's connection to the sewer to be severed or plugged. The manner of severance and procedure for disconnection shall be determined by the City/County Public Works Department. Upon completion of the disconnection, the City/County Public Works Department shall certify to the Wastewater Superintendent or designee the City/County's cost to disconnect the user's sewer service. Upon

receipt of such certification of costs, the Wastewater Superintendent or designee shall forward to the user whose service was disconnected by registered mail return receipt requested, certified mail or personal service a bill for the cost of making the disconnection, including all costs for labor and materials, and a service charge of \$100.00 for Wastewater Superintendent supervision.

G. Any building at which sewer service is disconnected as herein provided shall be inspected by the City/County Building Official and if appropriate shall be red-tagged as unfit for human occupancy.

(Section 96.16 – Ord. 21-199 – May 21 Supp.)