

ORDINANCE NO. 967

AN ORDINANCE AMENDING CHAPTER 99, SEWER SERVICE CHARGES, OF THE CODE OF ORDINANCES OF THE CITY OF PERRY, IOWA

BE IT ENACTED by the City Council of the City of Perry, Iowa:

SECTION 1. CHAPTER MODIFIED. Chapter 99 of the Code of Ordinances of the City of Perry, Iowa, is repealed and the following adopted in lieu thereof:

99.01 PURPOSE. The purpose of this chapter is to enable the collection of the costs of operation and maintenance of the sewage treatment works in the City from all users in proportion to the contribution of each to the total sewage loading of the treatment works; to recover sufficient revenue to equal the cost of all treatment works operation and maintenance, including replacements and to enable collection of revenue at least sufficient to provide for amortization of and payment of interest on indebtedness incurred in the construction of the sewage treatment works.

99.02 DEFINITIONS.

1. "Commercial user" means a customer discharging wastes into the sanitary sewer system who cannot be classified as a residential user or an industrial user.
2. "Dwelling" means a house, an apartment or a portion of a house or building divided from the remainder of the house or building so as to be a private living section and containing a kitchen or cooking facilities.
3. "Industrial Class A User" means an industrial user discharging wastes into the sanitary sewer system with a B.O.D. concentration of less than 100 mg/L and a total suspended solids concentration of less than 100 mg/L.
4. "Industrial Class B User" means an industrial user discharging wastes into the sanitary sewer system with a B.O.D. concentration of 100 mg/L or more or a total suspended solids concentration of 100 mg/L or more.
5. "Industrial user" means a customer discharging waste into the sanitary sewer system who is required by the State or the United States Environmental Protection Agency to execute an Operation Permit Treatment Agreement with the City.
6. "Residential user" means a customer discharging wastes into the sanitary sewer system from two (2) or less dwelling units of the same building.

99.03 LEVEL OF USER CHARGES.

1. **User Charges.** The user charge for all classifications shall be an amount of money per thousand gallons of potable water delivered to customers during a billing period, as measured by the potable water system meter or other reliable means. It shall be computed for each individual user by multiplying the volume of potable water delivered to said user by the appropriate classification user rate. These separate user rates shall be fixed from time to time by ordinance of the Council. Separate minimum monthly amounts and/or monthly surcharges for each classification for the purposes of financial

security and future improvements to the sewer system may be set by ordinance of the Council.

2. **Determination of Level of Charges.** From time to time, the City shall assess the costs and revise user charge rates as necessary to ensure the system generates adequate revenues to pay for the costs of operation and maintenance including replacement of the sewage treatment works of the City as well as costs associated with sewer debt retirement. The City's bonding attorney and financial advisor shall assist in this assessment, and engineering assistance may be employed as well. The Council shall then by ordinance fix each classification's user rate so as to recover operation, maintenance, debt service and replacement costs. In so doing, the Council may adjust the level for excessive recovery and shall adjust the level for insufficient recovery for said costs.

99.04 ACTUAL USER RATE STRUCTURE.

1. Each user shall pay for the services provided by the City based on the user's use of the treatment works as determined by water/sewer meter(s) acceptable to the City.

2. The following rate increases are beginning with usage in the month of July of each year derived from water meter readings for the billing cycle of the month of August of each year:

Type of Charge	Category	FY 2023	FY 2024	FY 2025	FY 2026
Monthly Treatment Capacity Charge	Residential (Per Dwelling Unit)	\$30.65	\$34.33	\$37.76	\$41.54
Monthly Treatment Capacity Charge	Commercial (Per Dwelling Unit)	\$30.65	\$34.33	\$37.76	\$41.54
Monthly Treatment Capacity Charge	Industrial A	\$82.90	\$92.85	\$102.13	\$112.35
Monthly Treatment Capacity Charge	Industrial B	\$190.35	\$213.19	\$234.51	\$257.96

Users will be assigned to their respective category as defined in this chapter. Users will pay the Monthly Treatment Capacity Charge assigned to their respective category plus the net amount per thousand gallons of water used as shown by the water meter.

3. The following rate increase will be charged for treatment for water meter readings beginning with usage in the month of July of each year derived from water meter readings for the billing cycle of the month of August of each year:

Type of Charge	Category	FY 2023	FY 2024	FY 2025	FY 2026
Monthly Treatment Rate (Net 1,000 Gal)	Residential	\$6.00	\$6.72	\$7.40	\$8.14
Monthly Treatment Rate (Net 1,000 Gal)	Commercial	\$6.24	\$6.99	\$7.69	\$8.45
Monthly Treatment Rate (Net 1,000 Gal)	Industrial A	\$6.24	\$6.99	\$7.69	\$8.45
Monthly Treatment Rate (Net 1,000 Gal)	Industrial B	\$6.24	\$6.99	\$7.69	\$8.45

Users will be assigned to their respective category as defined in this chapter. Users will pay the net amount per thousand gallons of water used as shown by the water meter. Meters designated by the Water Department as such that the water so measured is not discharged to the public sewer shall not be subjected to these charges. Residential users outside the City limits are subject to a 50% increase in the per thousand gallon usage charge. Commercial and Industrial users outside the City limits are subject to a 75% increase in the per thousand gallon usage charge.

4. Any tax imposed upon the service provided may be added to the foregoing rates.
5. The foregoing rates do not contain any charges for water usage that are now or may be added hereafter by the Board of Trustees of the Municipal Waterworks of the City of Perry.

99.05 DETERMINATION OF CONCENTRATION OF WASTES. Concentrations of pollutants from industrial users shall be determined by the Superintendent from periodic sampling of the user's sewage. The Superintendent shall obtain a sufficient number of regularly spaced samples to obtain a representative measurement of such concentration. The volume of sewage discharged shall be established by suitable periodic measurement techniques or by permanent installation of metering equipment. These measurements shall be the sole basis for determining the classification of industrial users as Class A or Class B.

99.06 CHARGES FOR CONTRIBUTORS OF UNMEASURED WATER. Residential users having private water systems, or otherwise unmetered intake and use of water, shall pay debt service and user charges based on at least 2,000 gallons per resident per month. All other classifications under similar circumstances shall pay debt service and user charges based on a volume established by the Superintendent from an estimate agreed to by the customer or determined by installation of special metering equipment at the customer's expense. Any negotiated or agreed upon rate shall be subject to approval by the Council.

99.07 METERED WATER THAT DOES NOT ENTER THE SEWER SYSTEM. Users that purchase potable water that does not enter the sanitary sewer system shall be exempt from debt service and user charges for such water to the extent that such water is measurable and is reliably measured. For the purpose of this section, the Superintendent shall solely decide the method and form of accurate measurement. Debit meters that deduct sewer usage from water usage are expressly forbidden.

99.08 PAYMENT OF BILLS. The sewage treatment works user charge and the debt service charge are due and payable under the same terms and conditions provided for payment of solid waste disposal service, and sewer service may be discontinued in accordance with the provisions contained in Section 106.07(3) if the combined service account referred to therein becomes delinquent, and the provisions contained in Section 106.09 relating to lien notices shall also apply in the event of a delinquent account.

99.09 LATE PAYMENT FEES. All bills shall be rendered at the net rate. If not paid within 20 days from the billing date, a penalty of 10% of the amount due shall be added to the bill.

99.10 APPLICATION OF SEWAGE TREATMENT WORKS USER CHARGES. All sewer user charges shall be deposited by the Clerk in a non-lapsing fund consisting of at least two accounts, to-wit:

1. An Operation and Maintenance Account, into which shall be deposited that fraction of the total user charges dedicated to operation and maintenance. Funds in this account shall be used only for the purpose of defraying operation and maintenance costs of the treatment works. Balances remaining in the fund at the end of the fiscal year shall be carried forward to the next succeeding fiscal year.

2. A Replacement Account, into which shall be deposited that fraction of the user charges dedicated to replacements. Funds in this account shall be used only for the purpose of defraying operation and maintenance costs of the treatment works. Balances remaining in the fund at the end of the fiscal year shall be carried forward to the next succeeding fiscal year. Any transfer of funds from other revenue sources to meet temporary shortages in these accounts may be refunded following an appropriate adjustment in the sewage treatment works user charge rates.

99.11 SPECIAL RATES. Where, in the judgment of the City, special conditions exist to the extent that the application of the normal user charges would be inequitable or unfair to either the City or the customer, a special rate shall be proposed and submitted to the Council for approval by resolution.

99.12 RECORDS. The superintendent shall maintain records of volumes of flow and concentration of pollutants utilized in determining Industrial Class A and Class B users. The City Clerk shall maintain records of revenue and of cost of operation and maintenance, including replacement, adequate to document compliance with the provisions of this chapter.

99.13 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Clerk, Finance Officer or Water Clerk to the County Treasurer for collection in the same manner as property taxes. (Ord. 804 – Nov. 03 Supp.) (Code of Iowa, Sec. 384.84)

99.14 DEPOSIT. There shall be required from every customer a fee in the amount of sixty dollars (\$60.00) as a deposit collected by the Water Department, intended to guarantee the payment of bills for service. (Code of Iowa, Sec. 384.84)

99.15 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

SECTION 2. REPEALER. All ordinances or rate resolutions or parts of ordinances or rate resolutions in conflict with the provisions of the 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 document shall be in full force and effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council of the City of Perry, Iowa on the 16th day of May, 2022.

First Reading: April 18, 2022 MCU

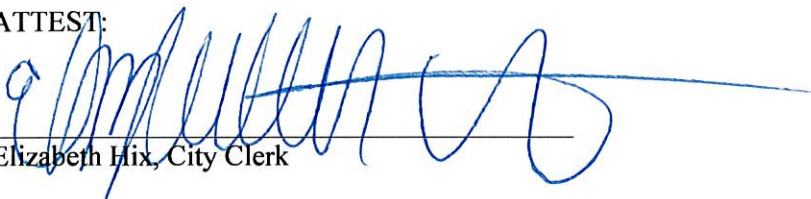
Second Reading: May 2, 2022 MCU

Final Reading: May 16, 2022 MCU



John Andorf, Mayor

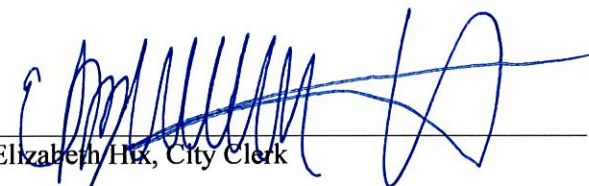
ATTEST:



Elizabeth Hix, City Clerk

CLERK'S CERTIFICATION

I certify that the foregoing was published as ordinance No 967 on the 26th day of May, 2022.



Elizabeth Hix, City Clerk

Proof Of Publication In
PERRY CHIEF

CITY OF PERRY
PO BOX 545
PERRY, IA 502200545

STATE OF WISCONSIN, BROWN COUNTY

I, *AK*, on oath depose and say
that I am the Legal Clerk of PERRY CHIEF, a weekly newspaper,
published at ; Perry, Dallas County, Iowa that the annexed printed:

CITY OF PERRY
CITY OF PERRY_ORDINANCE #967

was published in said newspaper 1 time(s) in issues dated:

May 26, 2022

the last day of said publication being the
26th day of May, 2022

A. Korman
Legal Clerk

Amy Kokott
Notary Public, State of Wisconsin, County of Brown

6/30/2025
My commission expires

sworn to before me and subscribed in my presence by this the
26th day of May, 2022

FEE: \$372.00
AD #: 0001455236
ACCT: 38099

AMY KOKOTT
Notary Public
State of Wisconsin

**PUBLICATION NOTICE OF RATE CHANGE FOR SEWER USAGE AND TREATMENT RATES THROUGH FY2026
ORDINANCE NO. 967**

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2. "Dwelling" means a house, an apartment or a portion of a house or building divided from the remainder of the house or building so as to be a private living section and containing a kitchen or cooking facilities.
3. "Industrial Class A User" means an industrial user discharging wastes into the sanitary sewer system with a B.O.D. concentration of less than 100 mg/L and a total suspended solids concentration of less than 100 mg/L.
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2. Determination of Level of Charges. From time to time, the City shall assess the costs and revise user charge rates as necessary to ensure the system generates adequate revenues to pay for the costs of operation and maintenance including replacement of the sewage treatment works of the City as well as costs associated with sewer debt retirement. The City's bonding attorney and financial advisor shall assist in this assessment, and engineering assistance may be employed as well. The Council shall then by ordinance fix each classification's user rate so as to recover operation, maintenance, debt service and replacement costs. In so doing, the Council may adjust the level for excessive recovery and shall adjust the level for insufficient recovery for said costs.

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Passed by the City Council of the City of Perry, Iowa on the 16th day of May, 2022.

First Reading: April 18, 2022 MCU

Second Reading: May 2, 2022 MCU

Final Reading: May 16, 2022 MCU

ATTEST:

Elizabeth Hix, City Clerk

John Andorf, Mayor

CLERK'S CERTIFICATION

I certify that the foregoing was published as ordinance No 967 on the 26th day of May, 2022.

Elizabeth Hix, City Clerk