

ORDINANCE NO. 2025-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY VAN METER, IOWA, BY AMENDING CHAPTER 92 – WATER RATES

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN METER, IOWA:

SECTION 1. The Code of Ordinances of the City of Van Meter, Iowa, as amended, is further amended by repealing and replacing Chapter 92 – Water Rates as shown herein:

CHAPTER 92
WATER RATES

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|---------------------------------|-----------------------------|
| 92.01 Service Charges | 92.07 Lien for Nonpayment |
| 92.02 Rates For Service | 92.08 Lien Exemption |
| 92.03 Rates Outside the City | 92.09 Lien Notice |
| 92.04 Water Improvement Fees | 92.10 Temporary Vacancy |
| 92.05 Billing for Water Service | 92.11 Adjustment of Charges |
| 92.06 Service Discontinued | 92.12 Water Shortage |

92.01 SERVICE CHARGES.

Each customer shall pay for water service and water improvement fees provided by the City based upon use of water as determined by meters provided for in Chapter 91. The water improvement fees shall be implemented at first in phases. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$21.23	\$4.84
7/1/2020	\$22.29	\$5.08
7/1/2021	\$23.40	\$5.33
7/1/2022	\$24.57	\$5.60
7/1/2023	\$25.80	\$5.88
7/1/2024	\$27.09	\$6.17
7/1/2025	\$28.44	\$6.48

92.03 RATES OUTSIDE THE CITY.

Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the following rates:

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$56.14	\$12.81
7/1/2020	\$61.75	\$14.09
7/1/2021	\$67.93	\$15.50
7/1/2022	\$74.72	\$17.02
7/1/2023	\$82.20	\$18.75
7/1/2024	\$90.42	\$20.63
7/1/2025	\$94.94	\$21.66

92.04 WATER IMPROVEMENT FEES.

Water improvement fees shall be imposed at the following rates per gallon for users within and outside the City:

Schedule	Water Capital Improvement Fee/Gallon
1-Jul-20	\$0.002
1-Jul-21	\$0.002
1-Jul-22	\$0.002
1-Jul-23	\$0.002
1-Jul-24	\$0.002

(Ord. 2020-05 - Mar. 21 Supp.)

92.05 BILLING FOR WATER SERVICE.

Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.

2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth day of each month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of 10 percent of the amount due for water and sewer charges shall be added to each delinquent bill. The late payment penalty shall not apply to the delinquent solid waste fees.

92.06 SERVICE DISCONTINUED.

Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.

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 shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.

4. Fees. A fee of \$25.00 shall be charged at the time a service is disconnected due to non-payment. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.07 LIEN FOR NONPAYMENT.

The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.08 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial 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 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, 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 for such service. The City may require a deposit not exceeding

the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial 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 for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.09 LIEN NOTICE.

A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. 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 shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY.

A property owner may request water service be temporarily discontinued via application and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee, as established by the fee schedule as adopted by Council, for shutting the water off at the curb valve and for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary

vacancies. The city continues to pay the solid waste and recycling charges billed per number of households in the City by our contracted carrier regardless of an absence and therefore, the property owner will continue to receive a bill for solid waste collection during the time period of temporary disconnection of water service.

92.11 ADJUSTMENT TO CHARGES.

In the event that excessive water usage occurs by reason of malfunction, accident or circumstances deemed to warrant reduction or adjustment of charges, the City Clerk, upon written application, may make such adjustment to the combined service account as deemed fair and equitable. For new construction, the City Clerk has the authority to adjust the charge to the contractor for water and minimum sewer charges.

92.12 WATER SHORTAGE.

1. Purpose. The purpose of this section is to establish procedures for systematically managing water demand through conservation measures and measures designed to limit water use during a system constraint or drought related or other shortage.

2. Definitions.

A. The Water Shortage Stages begin at Stage I (least restrictive) and advance to Stage IV (most restrictive). The Stages become increasingly restrictive for water usage in a response to the severity of the shortage.

B. Water Shortage: The Public Works Department will establish departmental policies that define when the various stages are to be triggered. These policies will serve as a general guide for water shortage stage implementation. Water shortage steps may be skipped and policies adapted as needed depending on conditions of the Van Meter Water System and weather patterns.

3. General Prohibition.

A. No person shall cause, use, or permit the use of water from the City Water System in a manner contrary to any provision of this section.

B. No person shall cause, use, or permit the use of water from the City Water System in excess of any limit or in violation of any policy established by the Public Works Director and Mayor as hereby authorized by the City Council.

4. Authority. The Public Works Director may declare a Stage I or Stage II shortage when an emergency shortage exists. The Mayor may declare a Stage III or Stage IV shortage when an emergency shortage exists. The implementation of the respective authority identified hereinabove. The implementation shall cease upon a Declaration by the respective authority.

5. Water Emergencies.

A. Stage I: Voluntary 25% reduction in turf irrigation. Upon declaration of a Stage I Water Shortage, the following restrictions shall apply to the use of water from the City's Water System: the City will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and otherwise promote the efficient use of water. During a Stage I Water Shortage, water customers are encouraged, in addition to normal water conservation, to specifically follow the voluntary water conservations measures set forth below:

(1) Request a city wide 25% reduction in lawn irrigation.

(2) Encourage customers to optimize their irrigation systems so water is not directed onto impervious surfaces and turf is not overwatered.

(3) Recommend customers irrigate on alternate days, by a system under which even numbered addresses water only on even days of the month, and odd numbered addresses water only on odd numbered days of the month.

(4) Customers who irrigate should do so early in the morning, prior to 6:00 am for less evaporation.

Enforcement: There will be no enforcement at this stage.

B. Stage II: Voluntary 50% reduction in outdoor water use. Upon declaration of a Stage II Water Shortage, the following restrictions shall apply to the use of water from the City's Water System: the City will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and otherwise promote the efficient use of water. During a Stage II Shortage, water customers are encouraged, in addition to normal water conservation, to specifically follow the voluntary water conservation measures set forth below:

(1) Request a city wide 50% reduction in outdoor water use.

(2) Remind customers to optimize their irrigation systems so water is not directed onto impervious surfaces and turf is not overwatered.

(3) Reinforce the recommendation for customers to irrigate on alternate days and early in the morning.

(4) Encourage wise use of water during outdoor activities including: washing cars, playing in the sprinkler, playing with water toys, and filling swimming pools.

(5) Encourage wise use of water indoors including: identifying and repairing leaking fixtures, washing only full loads in dishwashers and washing machines, and taking shorter showers.

(6) Suspend high water use, non-essential municipal operations.

Enforcement: There will be no enforcement at this stage.

C. Stage III: Turf irrigation prohibited and no use of automatic irrigation systems. Upon declaration of a Stage III Water Shortage, the following restrictions shall apply to the use of water from the City's Water System: the City will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and otherwise promote the efficient use of water. During a Stage III Shortage, water customers are mandated, in addition to normal water conservation, to specifically follow the mandatory water conservation measures set forth below:

(1) All actions required in a Stage II Water Shortage, not in conflict with these Stage III Actions.

(2) Require customers to further reduce water consumption by suspending all turf irrigation and the use of all automatic irrigation systems.

Enforcement: Customers observed by City personnel in violation of this policy will be notified by a tag left on the property. If such activities are not suspended within 48 hours, water service will be terminated and the published termination fee, as determined by the Fee Schedule as adopted by resolution of Council, will apply. Water service will be restored only upon receipt by the City of Van Meter of an undertaking by the customer that the customer understands and will comply with the mandatory conservation measures. Any subsequent violations will result in further termination of service and will be deemed an unauthorized use of water and shall be considered a repeat offense.

D. Stage IV: Mandatory water rationing. Upon declaration of a Stage IV Water Shortage, the following restrictions shall apply to the use of water from the City's Water System: the City will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible and otherwise promote the efficient use of water. During a Stage IV Shortage, water customers are mandated, in addition to normal water conservation and to specifically follow the mandatory water conservation measures set forth below:

(1) All actions required in a Stage II Water Shortage and a Stage III Water Shortage not in conflict with these Stage IV Actions.

Enforcement: Stage IV Monthly Water Rationing means for each customer the typical off-peak consumption of such customer multiplied by an announced Rationing Factor. Typical off-peak consumption shall be computed as of the date that the Stage IV is invoked as the mean monthly consumption of the customer for the immediately preceding months of March, April, and May. The Rationing Factor shall be a percentage as announced by Des Moines Water Works & followed by the City of Van Meter and designed to effectively reduce consumption to the level as required by the prevailing circumstances. While Stage IV is in effect, all water used beyond the Stage IV Monthly Water Ration for each customer will be billed at the Emergency Water Shortage Rate. Emergency Water Shortage Rate shall be four times the rate otherwise applicable to each customer.

Customers observed by City personnel in violation of this policy will be notified by a tag left on the property. If such activities are not suspended within 48 hours, water service will be terminated and the published termination fee, as set by the Fee Schedule adopted by resolution of Council, will apply. Water service will be restored only upon receipt by the City of Van Meter of an undertaking by the customer that the customer understands and will comply with the mandatory conservation measures. Any subsequent violations will result in further termination of service and will be deemed an unauthorized use of water and shall be considered a repeat offense.

6. Relief from Compliance.

A. Within 20 days after the date of a first notice violation, a person may file an application for relief from any provision of this Ordinance. The City Administrator or his or her designee shall grant, conditionally grant, or deny the application.

B. In determining whether to grant relief and the nature of any relief, the City Administrator or his or her designee shall take into consideration all relevant factors including, but not limited to, the following:

- (1) Water uses during construction; and
- (2) Adjustments to water use caused by emergency health or safety hazards; and
- (3) Alternative water reduction measures being proposed by the applicant.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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 by the Council on the 9th day of June, 2025.

ATTEST:

Joe Herman, Mayor

Jessica Drake, City Clerk

First Reading: April 14, 2025

Second Reading: May 12, 2025

Third Reading: June 9, 2025

PROPOSED

I certify that the foregoing was published as Ordinance No. 2025-08 on the ____ day of June, 2025.

ATTEST:

Jessica Drake, City Clerk

PROPOSED