

Voaklander, introduced the following Ordinance entitled "ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICE OF THE CARPENTER SANITARY SEWER SYSTEM, MITCHELL COUNTY, STATE OF IOWA," and caused the same to be read in full. Board Member Walk moved that the requirement that ordinances be considered and voted on for passage at two Board meetings prior to the meeting at which they are to be finally passed, be suspended and that said Ordinance be now finally passed. Board Member Voaklander seconded the motion and after due consideration thereof by said Board, the Chairperson put the question on the adoption of said motion and the roll being called, the following Board members voted:

AYES: Walk, Voaklander, Marree

NAYS: None

Whereupon, the Chairperson declared the motion having received the affirmative vote of a three-fourths (3/4) majority of all the Board Members to be duly carried and said Ordinance to have been adopted and signed his approval thereto, said Ordinance being as follows:

ORDINANCE NO. 39

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICE OF THE CARPENTER SANITARY SEWER SYSTEM FOR CARPENTER, COUNTY OF MITCHELL, STATE OF IOWA

BE IT ORDAINED AND ENACTED BY THE MITCHELL COUNTY BOARD OF SUPERVISORS, STATE OF IOWA, AS FOLLOWS:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be the same as those adopted by the County in Ordinance Number 39 as the same may from time to time be amended, which definitions are hereby included in this Ordinance and made a part hereof by this reference.

ARTICLE II

Sanitary Sewer Rates

- Sec. 1. SERVICE CHARGES. There shall be and there are hereby established sanitary sewer charges for the use of and for the service supplied by the Carpenter Sanitary Sewer System (the System).
- Sec. 2. RATES AND SERVICE. All customers shall pay a service charge for operation and maintenance in the amount of \$ 41.00 per sewer user per month. All charges shall be paid on the first day of the month following the period of service and shall be paid at the office of the Carpenter City Clerk.
- Sec. 3. NEW SEWER USER CONNECTIONS AND FUTURE DEVELOPMENT. New sewer user connections shall be required to pay a lump sum fee of \$ 2,000.00 per building as a hook-on fee, plus the operation and maintenance fee for each sewer user as provided in Section 2 of this ARTICLE II.
- Sec. 4. BILLING FOR SEWER SERVICE. It is hereby made the duty of the City of Carpenter, as designated by the Board of Supervisors, to render bills for sewer usage and service and all other charges in connection therewith and to collect all moneys due therefrom pursuant to the agreement entered into by and between the County and the City of Carpenter. If any bills have not been paid by the eighteenth (18th) day after the date of issue, a delayed payment charge of five percent (5%) of the amount of the bill shall be added to each delinquent bill. Applications for new sewer user connections shall be delivered to the Carpenter City Clerk on a form supplied by the City Clerk.
- Sec. 5. SERVICE DISCONTINUED. Sewer service to delinquent customers may be discontinued in accordance with the following:
- A. Notice. Any bills not paid on or before the eighteenth (18th) day after the date of issuance shall be deemed delinquent and the City of Carpenter shall serve on the customer a written notice of said delinquency, which shall serve as final notice of payment to be due within an additional ten (10) days. The notice shall be served by mail.
 - B. Service discontinued. If the sewer bill has not been paid after the final notice, sewer service to the customer may be discontinued without further notice.

C. Fees. A charge to the sewer user in the amount of \$ _____ will be made for disconnection and re-connection of sewer service but the re-connection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the City of Carpenter have been paid in cash at the business office of the Carpenter City Clerk unless the delinquency has been assessed as a tax in accordance with Section 6 of this Article II.

- Sec. 6. LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sanitary sewer service charges to the premises. Sanitary sewer service charges remaining unpaid and delinquent after sixty (60) days shall constitute a lien upon the premises served and the City of Carpenter shall instruct the County Auditor to certify such lien to the County Treasurer for collection in the same manner as property taxes. Notice of the lien shall be sent to the appropriate persons by certified mail not less than ten (10) days prior to certification of lien to the County Treasurer.
- Sec. 7. CUSTOMER DEPOSITS. There shall be required from every sewer user that is not the owner of the premises served, a One Hundred Dollar (\$100) deposit intended to guarantee the payment of service charges.
- Sec. 8. SANITARY SEWER REVENUE FUND. Except as provided in the agreement between the County and the City of Carpenter, all revenues and monies derived from the operation of the sewer system shall be paid to and held by the County separate and apart from all other funds of the County and all of said sums and all other funds and monies incident to the operation of said system, as may be delivered to the County, shall be deposited in a separate fund designated the "Carpenter Sewer Fund", and the County shall administer said fund in the manner provided by the Code of Iowa and other laws pertaining thereto.
- Sec. 9. ACCOUNTS AND AUDITING. The County shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular intervals the County shall cause to be made an audit by an independent audit concern or the State of Iowa of the books to show the receipts and disbursements of the sewer system. If necessary, service charges and rates will be adjusted to produce adequate income to retire indebtedness, meet operation, maintenance and replacement needs and establish required reserves.

ARTICLE III

Repealer

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

ARTICLE IV

When Effective

This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 31st day of March, 2009.



Name: Robert G. Marreel

Title: Chairperson

(SEAL)

Attest:



Name: Lowell Tesch

Title: Mitchell County Auditor