Ordinance 2024-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LATIMER, IOWA, BY AMENDING 5-5-5 DISCONTINUING SERVICE, FEES EFFECTIVE 7/1/24.

 Section 1. That 5-5-5 of the Code of Ordinances of the City of Latimer, Iowa, that currently reads as follows:

5-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
	1. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: “You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service.”
	2. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.
	3. The Water Superintendent/City of Latimer shall not be liable in the event that the curb stop malfunctions or breaks during the course of shut off.
2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of $50.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes. (Code of Iowa, Sec. 384.84(2))
3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner. (Code of Iowa, Sec. 384.84 (3))
4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user. (Code of Iowa, Sec. 384.84(3)(a)(3)

Shall be amended to read as follows:

* + 1. DISCONTINUING SERVICE, FEES.
1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
	1. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: “You are advised that you may request a hearing on this matter to the City Clerk by noon on the day preceding the scheduled shut-off date or discontinuance of service.”
	2. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.
	3. The Water Superintendent/City of Latimer shall not be liable in the event that the curb stop malfunctions or breaks during the course of shut off.
2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of ***$60.00*** shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes. (Code of Iowa, Sec. 384.84(2))
3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner. (Code of Iowa, Sec. 384.84 (3))
4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user. (Code of Iowa, Sec. 384.84(3)(a)(3)

 Section 2. This Ordinance shall take effect for the next billing and upon publication as required by law.

 PASSED, APROVED, and ADOPTED by the City Council of Latimer, Iowa on the 10th day of July, 2024.

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Mark Johansen, Mayor

ATTEST:

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Melissa Simmons, City Clerk