

City of Lowry
Ordinance No. 86

Sewer System

Ordinance No. 86 of the City of Lowry, repealing Ordinance No. 57 “ Use of Public Sewer Required” and further repealing Ordinance No. 65, No. 74 and No. 75 which amended No. 57 which governed the use of public sewers:

The City Council of the City of Lowry does ordain as follows:

1. For the purpose of providing funds to meet the cost of operating and maintaining the sewage system and sewage disposal plant and the facilities connected therewith and the payment of capital charges, represented by bonds or certificates of indebtedness or otherwise, and for the payment of reasonable requirements for the replacement and absolution thereof, there is hereby levied and assessed against each lot, parcel of land, building, or premises having any connection with the public sewer system of the city, or otherwise discharging sewage industrial wastes, water or other liquids directly or indirectly into the public sewer system of the city, a sewer rental charge payable as hereinafter provided and in an amount as determined herein.

2. The sewer rental to be so charged against the property within the City of Lowry is hereby fixed and determined as follows:

For sewer users, each single-family dwelling shall be considered one ERU (Equivalent Residential Unit) and each school, church or other public buildings shall be considered one ERU; apartment buildings or multi-family dwellings will be deemed one ERU per apartment unit or family residence. Each single business shall be considered one ERU for sewer billing purposes. There is hereby established for these sewer users a minimum rate of \$45.00 per ERU per quarterly billing period. Said billings shall be derived from accounts carried in the name of the fee owner of the premises who personally or by his authorized agent applied for such service. Said owner shall at all times be liable for payment of said billing per ERU whether he/she is occupying the ERU or not. Sewer bills will be processed and mailed on approximately the 1st day of each quarter. Bills will be for the quarter forthcoming. All sewer bills are due and payable on or before the 1st day of the following month in which the bill was sent.

3. The Council shall have the power to increase, decrease or change the amount and basis of the sewer rental charges herein established as the same might be reasonably required.

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4. Delinquent Accounts

4.1 Penalties. A late payment penalty of 7% shall be assessed on all accounts with a past due balance.

4.2 Certification for collection with taxes. Each sewer rental charge levied by and pursuant to this ordinance is hereby made a lien upon the lot, land or premises served and all such charges which are on August 31st of each year, 90 days or more past due and which has been properly billed to the property owner served shall be certified by the City Clerk to the County Auditor between the first and the tenth of October each year and the City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes and collected by the County Treasurer and paid to the City Treasurer in the same manner as other taxes. Such amount that is certified to taxes will be assessed with 7% interest. Unpaid charges on sewer accounts shall not be certified to the county auditor until notice and an opportunity for a hearing have been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

4.3 The owner of the property shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.

4.4 A hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the City may certify the unpaid charges to the county auditor for collection as other taxes are collected.

4.5 For each certification sustained, the property owner shall have the following options after the hearing,

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- 4.5.1** To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing.
- 4.5.2** To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the eleventh day following the hearing date through the date of payment.
- 4.5.3** To pay the certified charges as billed to them by Pope County on their property tax statement with a collection term of one year.

4.6 Fifteen days after the hearing, the certified roll, minus any payments, shall be delivered to Pope County.

5. Any charge levied by and pursuant to this ordinance and which has been properly billed to the property owners of any premises served and not paid may be recovered from the property owner in a civil action by the City.

6. The monies received from the rates and charges herein established shall be deposited in a separate fund to be known as the Sewer Fund and shall be used to meet the sewage disposal plant and facilities, in payment of capital charges represented by bonds or certificates of indebtedness and for the reasonable requirements for replacement.

7. Tampering with the sewer service imposes a \$1,000.00 fine or 90 days in jail or both.

8. That this ordinance shall go into force and effect from and after its passage and publication.

Adopted by the City Council this 15th day of January, 2004.

Brian Piekarski, Mayor

ATTEST: Debbie Piekarski, Clerk