

# CITY OF WOODWARD

## ORDINANCE NO. 19-403

### AN ORDINANCE TO AMEND SECTION 92.09 CUSTOMER WATER DEPOSITS

**BE IT ENACTED** by the City Council of the City of Woodward, Iowa:

**SECTION 1. SECTION AMENDED.** That Section 92.09 **Customer Deposits** of the Municipal Code of the City of Woodward, Iowa, 2006, be and the same is hereby amended as follows:

**92.09 CUSTOMER DEPOSITS.** There shall be required from every new first time property owner customer a one hundred dollar (\$100.00) deposit intended to guarantee the payment of bills for service. A new first time property owner customer is defined as a property owner who has not had any prior water service with the city, has not had any water service with the city within the previous year, or who has not completed twelve (12) months of timely payment history to the city.

The city clerk or finance officer shall keep deposit records to show:

- a. The name and address of each depositor.
- b. The amount and date of the deposit.
- c. Each transaction concerning the deposit.

1. **PROPERTY OWNER CUSTOMER DEPOSIT REFUNDS.** The deposit shall be refunded after 12 consecutive months of prompt payment. (Prompt payment is defined as 12 consecutive monthly payments made on or before the due date.) The city will automatically waive one late payment during the 12 month deposit time, provided that the payment is received within 10 days of the due date. For refund purposes, the account shall be reviewed for prompt payment after 12 months of service following the making of the deposit and for each 12 month interval terminating on the anniversary of the deposit.

2. **TENANT DEPOSITS.** There shall be required from every tenant customer a two hundred fifty dollar (\$250.00) deposit intended to guarantee the payment of bills for service. A tenant customer is defined as a customer who is not the property owner, but is renting the said property from the owner. A tenant customer is also the person or persons responsible for payment of bills as identified and subject to the lien exemption as identified in section 92.07 of this code listed above. Deposits received from tenant customers and any customers subject to the exemption provided by 92.07 will be retained by the city until final billing. Upon termination of service, the deposit, less any unpaid utility bills of the tenant customer, shall be reimbursed to the person who made the deposit.

3. **DEPOSIT EXCEPTIONS.** Provided that a property owner customer has established good payment history with the city by completing the twelve (12) months of prompt payments as established above, a deposit will not be required in the following conditions:

- a. The property owner customer moves and transfers service from one property to another property.
- b. The property owner customer purchases an additional property or starts service at an additional property.
- c. The property owner customer stops service but starts it again within 12 months at either the original property or a new property.
- d. The property owner customer is a landlord of a property subject to section 92.07 above, and is continuing service during a time when the property is not rented and/or there is no person identified as responsible per section 92.07 above.

Notwithstanding the above exceptions, at no time shall the city require more than one deposit for any one service location.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, 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 3. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval, posting and publication as required by law.

Introduced this 12th day of November, 2019, and adopted by the City Council of the City of Woodward, Iowa on this 13th day of January, 2020.

  
\_\_\_\_\_  
Mayor, Todd Folkerts

Attest:

  
\_\_\_\_\_  
City Clerk, Christina Perkins

I certify the foregoing was posted and published as Ordinance No. 19-403 on the 14th day of Jan, 2020, as required by law.

  
\_\_\_\_\_  
City Clerk