

CHAPTER 62**SANITARY DISTRICTS AND CITY UTILITIES — ACCOUNTS —
SEWER CONNECTION FEES***H.F. 178*

AN ACT relating to joint billing or collection of combined service accounts for sanitary districts and a city utility or combined utility system and to discontinue service for delinquency, and providing for the establishment of benefited districts and fees from the connection of property to the sanitary facilities of a sanitary district.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 358.20, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Any sanitary district may by ordinance establish just and equitable rates, charges, or rentals for the utilities and services furnished by the district to be paid to the district by every person, firm, or corporation whose premises are served by a connection to the utilities and services directly or indirectly. The rates, charges, or rentals, as near as may be in the judgment of the board of trustees of the district, shall be equitable and in proportion to the services rendered and the cost of the services, and taking into consideration in the case of the premises the quantity of sewage produced thereby and its concentration, strength, and pollution qualities. The board of trustees may change the rates, charges, or rentals from time to time as it may deem advisable, and by ordinance may provide for collection. The board may contract with any municipality within the district, whereby the municipality may collect or assist in collecting any of the rates, charges, or rentals, whether in conjunction with water rentals or otherwise, and the municipality may undertake the collection and render the service. The board of trustees may also contract pursuant to chapter 28E with one or more city utilities or combined utility systems, including city utilities established pursuant to chapter 388, for joint billing or collection, or both, of combined service accounts for sanitary district services and utility services, and the contracts may provide for the discontinuance of one or more of the sanitary district services or water utility services if a delinquency occurs in the payment of any charges billed under a combined service account. The rates, charges, or rentals, if not paid when due, shall constitute a lien upon the real property served by a connection. The lien shall have equal precedence with ordinary taxes, may be certified to the county treasurer and collected in the same manner as taxes, and is not divested by a judicial sale.

Sec. 2. Section 358.22, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Subject to the limitations otherwise stated in this section, the board of trustees may establish one or more benefited districts and schedules of fees for the connection of property to the sanitary sewer facilities of a sanitary district. Each person whose property will be connected to the sanitary sewer facilities of a sanitary district shall pay a connection fee to the sanitary district, which may include the equitable cost of extending sanitary sewer service to the benefited district and reasonable interest from the date of construction to the date of payment. In establishing the benefited districts and establishing and implementing the schedules of fees, the board of trustees shall act in accordance with the powers granted to a city in section 384.38, subsection 3, and the procedures in that subsection. However, all fees collected under this paragraph shall be paid to the sanitary district and the moneys collected as fees shall be used only by the sanitary district to finance improvements or extensions to its sanitary sewer facilities, to reimburse the sanitary district for funds disbursed by its board of trustees to finance improvements or extensions to its sanitary sewer facilities, or to pay debt service on obligations issued to finance improvements or extensions to its sanitary sewer facilities. This paragraph does

not apply when a sanitary district annexation plan or petition includes annexation of an area adjoining the district or a petition has not been presented for a sewer connection. Until the annexation becomes effective or the annexation plan or petition is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the property owner requests to be connected to the sanitary district's sewer facilities and voluntarily pays the connection fee.

Sec. 3. Section 384.84, subsection 6, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. One or more city utilities or combined utility systems, including city utilities established pursuant to chapter 388, may contract pursuant to chapter 28E with one or more sanitary districts established pursuant to chapter 358 for joint billing or collection, or both, of combined service accounts from utility services and sanitary district services. The contracts may provide for the discontinuance of one or more of the city water utility services or sanitary district services if a delinquency occurs in the payment of any charges billed under a combined service account.

Approved April 22, 1997

CHAPTER 63

ELECTRIC TRANSMISSION LINES — MAP RELATING TO FRANCHISE EXTENSION

H.F. 229

AN ACT relating to the availability of a map indicating the location of electric transmission lines related to the extension of a franchise.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 478.13, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Any person, firm, or corporation owning a franchise granted under this chapter or previously existing law, desiring to acquire extensions of such franchise, may petition the utilities board in the manner provided for the granting of a franchise and the same proceeding shall be ~~had conducted in the same manner as on~~ an original application, including the assessing of costs provided by section 478.4 ~~except that in the event~~. If the extension of franchise is sought for all lines in a given county or counties, the published notice need not contain a general description of the lands and highways traversed by the lines, but in lieu thereof ~~of containing such description~~ the petitioner may ~~have on file at its offices in the county or counties affected~~ offer to provide to any interested party, free of charge and within ten working days, a current, accurate map showing the location of the lines for which the franchise extension is sought, ~~said map to be available for examination by any interested party, and the~~. The public notice shall advise the citizens of the county or counties affected of the location and availability of such map. If this alternate procedure is not followed then the publication of the description of the lands and highways traversed by the lines shall be done in the manner as in an original application for franchise. In any event an extension under this section ~~will~~ shall be granted only for a valid, existing franchise and the lands, roads, or streams covered ~~thereby by the franchise~~ over, through, or upon which electric transmission lines have in fact been erected or constructed and are in use or operation at the