

Am. L. & C. 319, No. Pass 3/26

FEB. 1992

HOUSE FILE 2135

LOCAL GOVERNMENT

BY GRUHN

En. Pass 2/1 (p. 147)

Passed House, Date 3/19/92 (p. 147)

Passed Senate, Date 3/31/92 (p. 115)

Vote: Ayes 57 Nays

Vote: Ayes 49 Nays 0

Approved April 9, 1992 (p. 1283)

A BILL FOR

1 An Act relating to the collection of delinquent sanitary sewer
2 charges.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2135

1 Section 1. Section 358.20, unnumbered paragraph 1, Code
2 1991, is amended to read as follows:

3 Any sanitary district may by ordinance establish just and
4 equitable rates, or charges, or rentals for the utilities and
5 services furnished by ~~to~~ the district to be paid to ~~such~~ the
6 district by every person, firm or corporation whose premises
7 are served by a connection to ~~such~~ the utilities and services
8 directly or indirectly. ~~Such~~ The rates, charges, or rentals,
9 as near as may be in the judgment of the board of trustees of
10 the district, shall be equitable and in proportion to the
11 services rendered and the cost ~~thereof~~ of the services, and
12 taking into consideration in the case of ~~each-such~~ the
13 premises the quantity of sewage produced thereby and its
14 concentration, strength, and pollution qualities. The board
15 of trustees may change ~~such~~ the rates, charges, or rentals
16 from time to time as it may deem advisable, and by ordinance
17 may provide for the collection thereof. The board ~~is~~
18 ~~authorized-to~~ may contract with any municipality within the
19 district, whereby ~~such~~ the municipality may collect or assist
20 in collecting any of ~~such~~ the rates, charges, or rentals,
21 whether in conjunction with water rentals or otherwise, and
22 ~~any-such~~ the municipality ~~is-hereby-empowered-to~~ may undertake
23 ~~such~~ the collection and render ~~such~~ the service. ~~Such~~ The
24 rates, charges, or rentals, if not paid when due, shall
25 constitute a lien upon the real property served by a
26 connection ~~as-aforesaid-and-shall-be.~~ The lien shall have
27 equal precedence with ordinary taxes, may be certified to the
28 county treasurer and collected in the same manner as other
29 taxes, and is not divested by a judicial sale.

30 EXPLANATION

31 This bill authorizes a sanitary district to collect
32 delinquent sanitary sewer charges and fees in the same manner
33 as ordinary property taxes are collected. The sanitary
34 charges are a lien against the real property served by the
35 sanitary sewer connection and the lien is not divested by a

1 judicial sale of the property. This amendment gives sanitary
2 districts similar protection against delinquent accounts as
3 currently granted to cities pursuant to section 384.84.

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HOUSE FILE 2135

county treasurer and collected in the same manner as other taxes, and is not divested by a judicial sale.

AN ACT

RELATING TO THE COLLECTION OF DELINQUENT SANITARY SEWER CHARGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:


Section 1. Section 358.20, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Any sanitary district may by ordinance establish just and equitable rates, or charges, or rentals for the utilities and services furnished by ~~it~~ the district to be paid to such the district by every person, firm or corporation whose premises are served by a connection to such the utilities and services directly or indirectly. Such 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 ~~thereof~~ of the services, and taking into consideration in the case of ~~each-such the~~ premises the quantity of sewage produced thereby and its concentration, strength, and pollution qualities. The board of trustees may change such the rates, charges, or rentals from time to time as it may deem advisable, and by ordinance may provide for the collection thereof. The board ~~is~~ authorized to may contract with any municipality within the district, whereby such the municipality may collect or assist in collecting any of such the rates, charges, or rentals, whether in conjunction with water rentals or otherwise, and ~~any-such the~~ the municipality ~~is hereby empowered to may~~ undertake such the collection and render such the service. Such The rates, charges, or rentals, if not paid when due, shall constitute a lien upon the real property served by a connection ~~as aforesaid and shall be~~. The lien shall have equal precedence with ordinary taxes, may be certified to the

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2135, Seventy-fourth General Assembly.

Approved  _____, 1992
JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor