

ORDINANCE 2021-05

AN ORDINANCE AMENDING TITLE VI, CHAPTER 5, SECTIONS 6 AND 7 OF THE PEOSTA MUNICIPAL CODE

BE IT ORDAINED by the City Council of the City of Peosta, Iowa:

SECTION 1. Repeal: Existing Title VI, Chapter 5, Sections 6 and 7 of the Peosta Municipal Code are hereby repealed in their entirety, Section 6 to be replaced as follows.

SECTION 2. Replace: Section 6-5-6 of the Code, repealed as noted above, is hereby replaced with the following terms and provisions:

6-5-6 LIEN EXEMPTION.

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. In the event the final invoice is not paid in full, the deposit shall be applied to any remaining balance before returning any unused portion of the deposit to the tenant. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. Other Service Exemption. The lien for nonpayment shall not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. In the event the final invoice is not paid in full, the deposit shall be applied to any remaining balance before returning any unused portion of the deposit to the tenant. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property leased by the tenant, the occupancy date, and payment in full of the deposit as determined by the City Clerk's Office under section 1 and 2 of herein. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in ownership of residential rental property shall require written notice of such change to be given to the City within 30 business days of the property transfer. A change in the ownership of commercial rental property shall require written notice of such change to be given to the City within 10 business days of the transfer date. Until the receipt of notice provided above the City will continue to invoice according to previously submitted information.
4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by the court to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.


SECTION 4. EFFECTIVE DATE. This ordinance shall become effective after its final passage, approval and posting as provided by law.

PASSED, APPROVED AND ADOPTED by the Council of the City of Peosta, Iowa this 10th day of August, 2021.



James Merten, Mayor

Attest:



Karen Snyder, City Clerk

First Reading - Approved July 27, 2021

Second Reading - Approved August 10, 2021

Third Reading - Waived August 10, 2021

I hereby certify that the above Ordinance Number 2021-05 was posted at Peosta City Hall, Peosta Post Office and the Dubuque County Library/NICC-Peosta Branch on August 16, 2021.



Karen Snyder, City Clerk