

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA, BY AMENDING PROVISIONS GOVERNING TELEPHONE, CABLE, INTERNET, ELECTRIC, NATURAL GAS, POTABLE WATER, SANITARY SEWER, AND SOLID WASTE SERVICES**

**BE IT ENACTED** by the City Council of the City of Hawarden:

**SECTION 1. SECTIONS AND SUBSECTIONS MODIFIED AMENDED AND ADOPTED.**

Section 90.04 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**90.04 LATERAL/SERVICE LINE COSTS INSTALLATIONS/PERMITS** The owner of a property to be served must assume the responsibility and bear the entire cost of the water service line, which runs from the water main to the building. All water services shall be installed to comply with the State Plumbing Code. The water service line shall be owned, maintained and repaired by the property owner. These service lines include the piping, corporation at the main, curb stop, curb box and meter valve. The Utility will not be responsible for the failure of any pipe or fixtures associated with the property owner's service line. All owners, at their own expense, must keep their service line (from the point of connection with the Utility's main to their premises) in good working condition. Any failure of the service line during normal operation by a Utility employee shall be repaired and paid for by the service line owner. Owners of any curb stop, curb box found inoperable will be notified by the city to have it repaired within 60 days. After the given time the city will replace the curb stop, curb box at the owner's expense. No person shall lay pipe in connection with or to be connected to the city water system without first obtaining a permit from the Public Works Director

Subsection 90.05 (1) of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

1. Material. Service pipes between the water mains and curb stop shall be of copper service tubing, known as Type K, soft temper, copper service tubing for use with either compression or flare fittings or continuous coiled poly pipe with mechanical connections rated at 200 PSI or greater or Schedule 40 PVC or greater with solvent weld joints. Three-fourths inch inside diameter shall be the minimum size used.

New Subsection 90.05 (10) as set forth below is adopted:

**90.10 Irrigation Water Meters** – Customers may request a water meter to be added to the irrigation system to subtract water not being used in the sanitary sewer system. The Utility shall furnish, own, install and maintain the meter with a monthly service fee as set by ordinance.

New Subsection 90.05 (11) as set forth below is adopted:

11. Shared Sanitary Sewer Lateral. Sewer laterals of 6 inch and smaller that service two or more property owners. These sewer lines are owned and operated by the property owners they serve, up to the point of connection to an 8 inch or larger sewer main. Where identified, such property owners shall be notified of responsibility to service and maintain the line. The property owner shall have the right to install a new sanitary sewer service to the city main at full cost to the homeowner.

Chapter 110 of the Code of Ordinances of the City of Hawarden, Iowa is repealed, and the following adopted in lieu thereof:

**CHAPTER 110  
UTILITY SERVICE AND POLICY DEFINITIONS**

**110.01 DEFINITIONS.** Unless another meaning is specifically indicated, the definitions given below apply to terms used in Chapters 90, 95, 96, 110, 111, 112, 113, 115, 116 and 117 of this Code of

Ordinances. Where a definition is not specifically provided, those definitions listed in IAC Chapters 19, 20 and 22 and Chapter 384 of the *Code of Iowa* shall apply for the specific utility service in question.

1. "Account holder, primary" means a person 18 years of age or older, partnership, firm, association, corporation, governmental agency or other legal entity, that is receiving a City utility service, whose name is specifically listed on an account as the primary entity responsible for decisions regarding the service and for financial obligations created from the use of the service.

2. "Account holder, secondary" means a person 18 years of age or older (who is not a dependent), partnership, firm, association, corporation, governmental agency, or other legal entity responsible by law for payment for a City utility service said person is receiving, regardless of whether or not said person is specifically listed on the account.

3. "Account status" terms are defined as follows:

A. "Closed" refers to an account that is no longer receiving utility service.

B. "Current" refers to an open or closed account that has paid all outstanding balances prior to the due date, with the exception of the most recent bill prior to the due date and any amount not yet read and billed.

C. "Delinquent" refers to any open or closed account that has not paid a service bill or service payment agreement amount in full on or before the last day for timely payment.

D. "Fully paid" refers to a closed account that has fully paid any and all charges against it.

E. "Grossly delinquent" refers to any open or closed account that has not fully paid the amount due after more than 90 days past the due date posted on the bill.

F. "Open" or "active" refers to an account that is presently receiving utility service.

G. "Paid to date" refers to an open or closed account that has paid all billed utility charges but that may still have unread and/or unbilled charges outstanding.

4. "Additional deposit" means deposit monies required in addition to an initial or new deposit necessary to cover an increase in number and/or types of services, usage of service previously underestimated with the initial or new deposit required.

5. "Applicant" means a person 18 years of age or older, partnership, firm, association, corporation, governmental agency or other legal entity, applying to the City for utility services.

6. "Basic service" means the cable entertainment television service tier above minimum service for which a separate price is charged.

7. "Bulk service" means the cable entertainment television service to multiple residential living dwellings where owners accept the responsibility of a single billing for all their units regardless of occupancy. The owner pays and provides service to tenants; fee is usually included in rent.

8. "Cable Act" means Section 631 of the Cable Communications Policy Act of 1934 as amended.

9. "Channel" means a portion of the electromagnetic frequency spectrum, or any other means of transmission, which is capable of carrying a video signal, an audio signal, a voice signal or a data signal, or any combination of such signals.

10. "City" shall mean and refer to the City of Hawarden.

11. "Combined telecommunications service account" means an account for all telecommunications services, including telephone, Cable TV, and Internet services.

12. "Combined utility service account" means an account for the service of water, wastewater, gas, electric, and garbage collection.

13. "Commercial" means basic analog and basic digital and contracted cable entertainment services provided to a business establishment whose customers are being provided access to the video services.

14. "Commission" means the Department of Commerce Utility Division.

15. "Complaint" means a statement or question by anyone whether a utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or utility obligation.

16. "Converter" means a device utilized by a subscriber to change the frequency or other characteristics of a signal.

17. "Cubic foot" A measure of gas having its meanings set forth at 250 IAC 19.1(3)e, which shall be construed in the context of use. (In general, these definitions describe the quantity of gas occupying one cubic foot at specified conditions, including temperature and pressure).

18. "Customer" means an Applicant and Account Holder as described above in these definitions.

19. "Delinquent" or "delinquency" refers to an account for which a service bill or service payment agreement has not been paid in full on or before the last date for timely payment.

20. "Demand" or "demand power" means a quantity of electric power needed by the customer at a given point in time.

21. "Deposit" means an amount determined by the Utility to be paid and kept on deposit with the Utility until good credit rating is achieved or service is terminated.

22. "Digital base package" means the lowest tier of digital cable television service.

23. "Drop" means the cable that connects the subscriber terminal at a point in the subscriber's home, designated by the subscriber, to the nearest feeder cable of the communications system.

24. "Equipment" means one or more of the following, but not limited to: converter, converter-descrambler, remote-control unit, security device, addressable control module, A/B switch, ground block, splitter, trap, cable modem, coaxial cable or fiber optic cable which is not inside wiring.

25. "Ethernet" means a physical link and data link protocol that operates at 10 Mbps (10,000,000 bits per second).

26. "FCC" means the Federal Communications Commission, its designee, or any successor thereto.

27. "Gas" means manufactured gas, natural gas, other hydrocarbon gases, or any mixture of gases produced, transmitted, distributed or furnished by the Utility.

28. "Governing Body" means the Hawarden City Council.

29. "Heating and calorific values" – as set forth in 250 IAC 19.1(3) j. (Definitions for such values as BTU, Therm, and various measures of BTU's evolved by combustion are found in the section cited.)

30. "Initial deposit" means a deposit required when first securing a utility service to include adding service if required according to the criteria herein.

31. "Inside wiring" means the cable that exists inside the subscriber's home or business to a point 12 inches outside of the home or business, and includes any extra outlets, splitters, connections, fittings, or wall plates attached to it.

32. "Installation" means the act of connecting or activating the communications system from the feeder cable to the subscriber terminal so that the subscriber may receive communications services.

33. "Interruption of utility service" means any disturbance of the utility supply whereby service to at least fifty customers in one segment or in a portion of a distribution system has been disrupted.

34. "IUB" means Iowa Utilities Board.
35. "Local service" means the cable entertainment television service tier that includes the retransmission of local television broadcast signals.
36. "Main" means a water, wastewater, or gas pipe, owner operated or maintained by the Utility, which is used for the purpose of transmission or distribution of gas, water, or wastewater, but does not include the "service line."
37. "Maximum demand" means the greatest demand required by the customer during a specific length of time.
38. "Meter" means a device that measures and registers the integral of a water, electric or gas quantity with respect to time.
39. "New deposit" means a deposit required if the initial deposit has been returned and the criteria exists to require a deposit. It is figured the same way as the initial deposit.
40. "Pay-per-view television" means digital cable television programming that is offered on a per-order basis. The programming is delivered over the telecommunications system on per-channel or per-program signals to subscribers for a fee or charge, in addition to the regular monthly fee for basic cable and digital cable television services.
41. "Premium channels" means the additional channels added to the basic cable TV service tier for which a separate price is charged.
42. "Pressure" means an expression of pounds per square inch above atmospheric pressure, i.e., gauge pressure (abbreviated "psig")
43. "Service" means any service, including the transmission of data, video and voice or any other service, whether originated by the Utility or any other person, which is offered to any subscriber in conjunction with, or distributed over the communications system.
44. "Service line" means a distribution line that transports a utility service from a common source of supply/service to a customer meter or the connection to a customer's piping, whichever is farther downstream, or the connection to a customer's piping if there is not a meter.
45. "Service rules" means the entire body of rules, procedures, and policies adopted by the City Council and on file for public inspection.
46. "Set top box" means a digital signal converter which allows a customer to view digital cable television programming carried via a compressed digital signal to a standard television.
47. "T1" means a digital transmission link with a capacity of 1.544 Mbps (1,544,000 bits per second).
48. "Telecommunication services" means, for the purposes of this Code, an all-inclusive term to encompass telephone, Cable TV, and Internet services.
47. "Timely payment" means a payment on a customer's account made on or before the date shown on a current bill for service, or on a form which records an agreement between the customer and the Utility for a series of partial payments to settle a delinquent account, as the date which determines application of a late payment charge to the current bill or future collection effort.
48. "Unsatisfactory payment history" means a payment record of the proposed account holder that:
- A. Has had NSF checks or ACH reject notices in the last twelve months; or
  - B. Has received more than two disconnect notices of any utility service.
  - C. Has two or more late payments (past the bill due date) for any utility in the last twelve months;
50. "Utility" is interchangeable with definition of "City."
51. "Utility service" means one of the following utility services offered by the City to the customer, to include but not limited to: Potable Water, Wastewater, Electric, Gas, Solid Waste, Telephone and Cable, and Internet.

Sub-Section 111.01 2(C) of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

C. Two forms of acceptable United States proof of identity which may include a copy of valid Driver's License or other ID which may include Social Security Card, Passport, or Consulate ID. an acceptable United States form of ID (at least one of which must be a photo ID).

Sub-Section 111.02( 3) is of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

3. Utility Deposit Calculation: If it is determined a deposit is necessary, the amount of the deposit will be calculated as provided below:

A. Gas, Electric, Water, Sewer and Solid Waste Deposits - The amount of an initial service deposit will be no more than the actual, or estimated, maximum charge for one month's service in the last 12-month period. A reasonable deposit may be required for a temporary or special occasion. In calculating customer deposits, adjustments may be made by reasonably determining differences in the likely level of energy consumption including number of persons served, changes in the type of service (i.e. residential vs. nonresidential), the installation or removal of energy conservation or alternative energy measures, and utility rate changes or charges. Where the service connection was not previously metered, the maximum charge for one month's service shall be based on comparable existing service of the same utility.

B. Cable TV, Telephone and Internet Deposits - The amount of an initial service deposit will be as follows:

1. Cable TV- Amount equal to estimated first month's bill, plus all taxes and fees.

2. Internet – Amount equal to estimated first month's bill, plus all taxes and fees.  
 Additional equipment at a rate set in the schedule of fees.
3. Telephone Local Service - Amount equal to estimated first month's bill, plus all taxes and fees.
4. Telephone Long Distance - Actual average usage over previous two months from previous long-distance carrier or a minimum of \$50 (\$25 per month) if previous usage data does not exist or cannot be obtained. An additional deposit shall be required when the monthly long-distance charges exceed the monthly deposit by more than 25% and \$20.

Section 111.03 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

#### 111.03 - BILLING/BILLING INFORMATION.

Customers shall be billed on a monthly basis. Charges for services start immediately after service is activated. The billing period will coincide with the period that utility services, including electric, natural gas, wastewater, garbage and/or water services, are provided during each billing month. Billing information will only be made available to those individuals designated by the account holder. Charges for all telecommunications services will be billed on a monthly statement that includes telephone, internet and cable services. When a customer is connected or disconnected or the meter reading date causes a given billing period to deviate by more than 10 percent (counting only business days) from the normal meter-reading period, such bill shall be prorated on a daily basis.

1. **Minimum Bill.** The minimum bill provided for in the rate schedule for each class of service will apply to any billing period during which service remains connected and the minimum quantity of service is not used. The minimum bill shall apply to each separate account holder receiving a service to include each individual dwelling unit.
2. **Billing Form.** The following information will be included on the billing form or made available to the customer at the Utility's customer services office:
  - A. The reading of the meter at the beginning and at the end of the period for which the bill is rendered.
  - B. The dates on which the meter was read at the beginning and end of the billing period.
  - C. The number and kind of units metered.
  - D. The applicable rate schedule or identification of the applicable rate schedule.
  - E. The account balance brought forward and the amount of each net charge for rate-schedule-priced utility service, sales tax, other taxes, franchise fees, late payment charge, and other charges required by the Utility and any regulatory authority and total amount currently due. In the case of prepayment meters, the amount of money collected shall be shown.
  - F. The last date for timely payment will be clearly shown and will not be less than twenty days after the bill is rendered.
  - G. A distinct marking or wording to identify an estimated bill or meter reading.
  - H. A distinct marking to identify a minimum bill.
  - I. Any conversions from meter readings units to billing units, or any calculations to determine billing units from recording or other devices, or any other factors, such as sliding scale or automatic adjustment. (i.e. Multiplier) and amount of sales tax adjustments used in determining the bill.
  - J. Any other requirements in accordance with Iowa Administrative Code.

As Per IAC 19.4(9) as a utility serving fewer than 5000 customers, information regarding Items 2, 4, and 8 above can be obtained by contacting the utility's local office at 1150 Central Avenue or calling 712-551-2565.

Section 111.04 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**111.04 SERVICE DISCONNECTION PROCEDURES.** Disconnection of service to customers for nonpayment of a bill or deposit shall be in accordance with the following procedures:

- A. **Procedures for Utilities Other Than Telephone Internet and Cable TV.**
  1. The Utility shall make a reasonable attempt to collect all past-due accounts.
  2. The Utility shall give written notice to the customer and, where applicable, the person or agency designated by the customer to receive such notice that service will be disconnected if the account is not settled within twelve (12) calendar days from the date of notice. Notice shall include a written summary of the rights and remedies available to avoid disconnection in accordance with IUB mandated language. The written notice shall also include a telephone number where a utility representative qualified to provide additional information about the disconnection can be reached. Each utility representative must provide his or her name to the caller and have immediate access to the most current and detailed information available concerning the customer's account and previous contacts with the utility.
  3. The Utility may allow settlement of the account to include an agreement for payment of the past due amount over a specified period.

4. The Utility shall give the customer a reasonable opportunity to dispute the reason for disconnection to the utility. If the matter cannot be satisfactorily resolved, the customer may appeal to the City's Hearing Officer or to the utility division, as provided in Section 111.08(3).
5. If no effort has been made on the part of the customer to pay the past due amount or dispute the account, the Utility shall issue a two-day disconnection notice, with service to be disconnected at the end of the two days. The notice shall be posted on the property and a posting fee, as established by Section 113.11, shall be charged. When disconnecting service, the Utility shall make a diligent attempt to contact, by telephone or in person, the individual or agency responsible for payment of the bill to inform the customer of the pending disconnection and his or her rights and remedies. If an attempt at personal or telephone contact is unsuccessful and the customer is living in a rental unit, the Utility may attempt to contact the landlord, if known, to determine if the customer is still in occupancy and, if not in occupancy, his or her present location. A landlord so contacted shall also be informed of the date when service may be disconnected.
6. For residential customers only, during the period from November 1 to April 1, if the attempt at customer contact fails, the premises shall be posted with a notice informing the customer of the pending disconnection and rights or remedies available to avoid disconnection. The notice shall be posted at least two days prior to disconnection.
7. For residential customers only, during the period from November 1 through April 1, the utility shall give the customer twelve days from the date the disconnect notice was mailed to apply to the local community action agency for low-income energy assistance or weatherization assistance as provided in Section 111.05. This applies only to the utility that is the source of heat (electric or gas) and not to the water, solid waste, or telecommunications utility service, which can be disconnected in accordance with subsection 5 above.
8. Disconnection of a customer's service may not take place on a weekend, a holiday, or after 2:00 p.m. unless the utility is prepared to reconnect the same day. A disconnection fee or trip charge as set by Section 113.11 shall apply if the Utility person either physically travels to the premises or does disconnect one or more utilities, per combined utility for delinquent accounts only.

B. Procedures for Utilities Other Than Telephone Internet and Cable TV. Disconnection of Telephone, Internet and /or Cable Service to customers for nonpayment of a bill or deposit shall be in accordance with the following procedures:

1. The Utility shall make a reasonable attempt to collect all past due accounts. Telephone, internet and Cable bills are mailed out at the beginning of the month and due 20 days later.
2. On the first day after the due date, late fees will be assessed, and the Utility shall give written notice to the customer and, where applicable, the person or agency designated by the customer to receive such notice that service will be disconnected if the account is not settled by the last day of that month. The written notice shall also include a telephone number where a utility representative qualified to provide additional information about the disconnection can be reached.
3. The Utility may allow settlement of the account to include an agreement for payment of the past due amount over a specified period.
4. The Utility shall give the customer a reasonable opportunity to dispute the reason for disconnection to the utility. If the matter cannot be satisfactorily resolved, the customer may appeal to the City's Hearing Officer.
5. If no effort has been made on the part of the customer to pay the past due amount or dispute the account, the telephone, internet and/or cable service will be disconnected according to the written notice and a disconnection fee will be charged.
6. If customer pays all past due amounts after disconnection and then requests services be reconnected, a reconnection fee will be charged, and both the disconnection and reconnection fees will be collected prior to services being reconnected. Also, if customer is required to make a deposit, that amount will need to be paid prior to reconnection.

Subsection 111.07 (1) (A) of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

A. Low Income Programs – Customer discounts on telephone and broadband service are available through assistance programs sponsored by the State of Iowa and the Federal government. The amount of the discount will equal the maximum amount authorized by state and federal regulations. In order to qualify, applicants must demonstrate eligibility for one of the following lifeline programs. Qualifying applicants must present verifying documentation of their eligibility when signing up for services.

112.01 (5) is repealed and replaced with:

5. Backfilling of Public Property. For backfill, only materials approved by the City shall be used. Pipes shall be backfilled completely under the pipe and along the haunches in uniform layers not exceeding six inches in depth up each side and up to a level of two feet over the top of the pipe. Above this backfill shall be laid and tamped in twelve-inch lifts. If located in the alley

surfaced area, the last 12-inch lift shall be Iowa Class A road gravel. Each layer placed shall be uniformly mechanically tamped and compacted, to eliminate the possibility of vertical or lateral displacement. This tamping shall be required the full depth of the trench in the public right of way. Paving materials and dirt/grass shall be renewed or replaced at the owner's expense to the same condition in the right-of-way as existed prior to construction. If a concrete street, the concrete shall be pinned into the adjoining concrete and shall match the existing grade and thickness of the street/sidewalk concrete with a minimum of 6" thickness for the street and 4" for a sidewalk. All non-concrete streets a minimum of 6" concrete shall be poured level with the existing street.

Subsection 112.02(1) of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

1. **Meter Ownership/ Installation** - The utility shall install, own, and maintain a meter of a type appropriate to the nature of the service, for each applicable utility service. Each meter shall be fed with a single service line and means of shut off or disconnect. If more than one meter exists for a single account holder, at one location, the meters shall be billed as separate meters. Meters shall not be required, however, where consumption can be readily computed without metering or where the service is of a temporary nature and the cost of meter installation would be unreasonable. A meter seal shall be placed on all meters such that the seal must be broken to gain entry. Private meters up to the point of demarcation (Utility meter or RSU) are prohibited for any City utility service. Should a private meter exist, the City shall replace it with a utility meter at no charge to the account holder.

Section 115.01 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**115.01 SERVICE CHARACTERISTICS.** The electric utilities shall make available throughout its service area electric service of a character determined by the utility to meet the needs of the customer. The standard service available to meet this obligation is 120/240 nominal voltage, 60Hz alternating current, single phase, 200 amps or less, supplies via either overhead conductor or underground conductor as the utility chooses. In supplying this service, the utilities shall construct, own and maintain all facilities up to, the premises. Where the utility chooses to install underground conductor in supplying standard electric service, the utility shall construct, own and maintain all facilities up to and including the meter socket and meter. In all standard service extensions, the utilities shall furnish, own and maintain the meter socket and meter. Other service connection, including three phase service and service at primary voltages, are available at the option of the Utility and may require a contribution in aid of construction or an advance for construction cost. Terms and conditions of customers' participation may be established by the city council. The City Council may waive the costs if in the public interest. Such waivers, when entered in the minutes of the City Council, shall not be considered a discriminatory practice. Reference to the publications listed above shall be deemed to be the latest addition or revision as the accepted version of the utility division as a standard of good practice.

New Subsection 115.02(11) as set forth below is adopted:

11. National Electric Safety Code ANSI C2

Section 115.07 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**115.07 Distributed Generation.** Customers may apply for an interconnection agreement to install wind and solar generation. The two levels of generation are < 40KW and 40KW-10MW. All installation cost will be at the expense of the customer to include a new bi-directional meter provided by the city. All usage will be non-net metered. Any KHW supplied back into the city distribution system will be purchased by Missouri River Energy Services at a standard rate set yearly. Terms and conditions can be requested at the city office 1150 Central Avenue.

Section 116.07 of the Code of Ordinances of the City of Hawarden, Iowa is repealed.

Section 117.01 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**117.01 TELECOMMUNICATIONS, INTERNET AND CABLE TELEVISION SERVICE CHARACTERISTICS.** The Communications Utility includes a 750-Megahertz broadband communications system that uses a hybrid fiber optic and coaxial cable distribution plant to provide fully interactive communications services.

Section 117.02 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**117.02 TELECOMMUNICATIONS AND CABLE TELEVISION SERVICE AVAILABILITY.** These services will be made available to all prospective customers within the exchange boundaries and corporate limits of Hawarden, subject to the provisions governing line extension costs as noted in Chapter

112 of this Code of Ordinances. Within the corporate limits of the City of Hawarden, the Utility will construct, own and maintain all facilities up to the delivery point at the subscriber's property, which is the RSU. Telecommunications services provided to customers located outside of the Hawarden City limits, but within the Hawarden telephone exchange boundaries, will be done so through a resale agreement with a local provider. In areas in which service is provided through the resale agreement, all questions regarding service outages, service prices, account status, payment history, and all other service-related issues will be directed to the HITEC. Special Telecommunications Services will only be available at locations that meet operational criteria deemed appropriate by the HITEC.

Subsection 117.03 (3) of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

- 3. Internet/High Speed Internet Services. Hitec provides Internet/High Speed Internet services for residential and business customers. There are individual internet speeds and bundled service options to choose from.

Section 117.08 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted in lieu thereof:

**117.08 DIGITAL CABLE TELEVISION SERVICES.**

1. Digital cable television services include a base package as well as premium and Pay-Per-View services. All the basic cable television customers will be required to first subscribe to a cable television package before receiving digital service.

2. Premium digital cable television services will be available to all digital service customers on an a la carte basis.

3. Pay-Per-View services will be available to all digital cable television customers. These services may only be ordered through the use of the remote control. Customers may order individual movies. By ordering a movie, customer acknowledges and agrees to pay the applicable charge which is in addition to the basic monthly charge for digital, and basic cable television services.

4. Digital cable television customers will be subject to a \$100 credit limit on Pay-Per-View orders. When this limit is reached, Pay-Per-View access will be discontinued, and the customer will be notified of the amount of orders on his/her account. Customer will be required to pay the full amount of all Pay-Per-View orders (including all taxes and applicable fees) on the account before his/her Pay-Per-View access will be restored.

5. All digital cable television customers must rent one digital set top box for each television on which he/she wishes to receive digital services.

6. All digital cable television customers must enter into an agreement with the Utility obligating the customer to maintain a subscription to at least one digital base package and rental of at least one digital set top box for an initial period of six months. The agreement will also obligate the customer to pay specified replacement costs for his/her set top box(es) and remote control(s) should irreparable damage be caused to the equipment while in the customer's possession.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, subsection, provision of part thereof not adjudged invalid or unconstitutional.

**SECTION FOUR. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and Approved by the Council of the City of Hawarden on the 10<sup>th</sup> day of July, 2019.

Richard R. Porter  
Ricard R. Porter, Mayor

ATTEST:

Michael DeBruin  
Michael DeBruin, City Administrator/Clerk

First Reading: June 12, 2019  
Second Reading: June 26, 2019  
Third Reading: July 10, 2019

I certify that the foregoing was published as Ordinance No. 710 on the 11<sup>th</sup> day of July, 2019.

Michael DeBruin  
Michael DeBruin, City Administrator/Clerk