

ORDINANCE NO. 822

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA, BY ADDING A NEW SECTION PERTAINING TO DEBTS SUBJECT TO THE SETOFF PROGRAM

Be It Enacted by the City Council of the City of West Branch, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of West Branch, Iowa, is amended by adding a new chapter, numbered Chapter 9, entitled DEBT SETOFF PROGRAM

CHAPTER 9 - DEBT SETOFF PROGRAM

SECTION 1. PURPOSE. The purpose of this Chapter is to establish policies and procedures pursuant to Iowa Code 421.65, authorizing the City to invoke the setoff provisions contained therein for debts owing the City and for which the City has afforded the debtor the opportunity to contest the debt.

SECTION 2. DEBTS SUBJECT TO SETOFF CONSTITUTING "QUALIFYING DEBT" PURSUANT TO IOWA CODE 421.65. All debts or charges authorized herein by the City of West Branch Code or otherwise set by Resolution approved by the West Branch City Council shall be deemed "qualifying debts" subject to the provisions of Iowa Code 421.65, for which the City shall provide those procedures as set out herein Chapter 9 of the City Code. Such "qualifying debts" include, but are not limited to the following:

- (a) Past-due or unpaid utility bills – (water, sewer, storm water, garbage and recycling services)
- (b) Unreturned (overdue) or damaged library materials / equipment
- (c) Unreturned or damaged city property / equipment
- (d) Past-due or unpaid parking tickets
- (e) Past-due or unpaid Park & Recreation program fees, park shelter fees, ball diamond rental fees
- (f) Past-due or unpaid pet licenses
- (g) Past-due or unpaid sidewalk repair/replacement costs
- (h) Past-due or unpaid sidewalk snow/ice removal invoices
- (i) Past-due or unpaid mowing invoice
- (j) Past-due or unpaid nuisance abatement invoice
- (k) Past-due or unpaid connection fees, permit fees, private water lines, curb box (shut off), water meters
- (l) Past-due or unpaid false alarm fees
- (m) Past-due or unpaid subdivision/planning fees including engineering fees incurred on behalf of developer/contractor/individual
- (n) Past-due or unpaid cemetery fees and invoices

- (o) Any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of the district court
- (p) Any other liquidated sum certain, owing, and payable to the City of West Branch, Iowa, with respect to which the City has afforded the debtor notice provided herein.

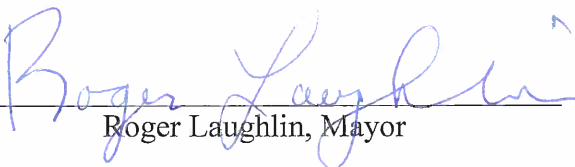
SECTION 3. PROCEDURE FOR CERTIFICATION TO THE IOWA DEPARTMENT OF REVENUE FOR SETOFF. With respect to any debt herein, the City shall provide the debtor fifteen (15) days advance written notice to the debtor's last-known address, affording the debtor a period of fifteen (15) days within which to protest or appeal the delinquency to the Finance Director for the City. If the delinquency is upheld by the Finance Director, or the debtor has not paid the debt within fifteen (15) of the date of the notice, the City may certify the delinquency to the Iowa Department of Revenue for purposes of collection pursuant to Iowa Code 421.65.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved on the 18th day of February, 2025.

First Reading: January 21, 2025
Second Reading: February 3, 2025
Third Reading: February 18, 2025



Roger Laughlin, Mayor

ATTEST:


Leslie Brick, City Clerk

I certify that the foregoing was published as Ordinance No. 822 on the 27th day of February, 2025.



City Clerk