

**ORDINANCE NO. 5, SERIES 2018**

**AN ORDINANCE AMENDING CHAPTER 13.04, UPTON MUNICIPAL CODE WATER, SEWER AND GARBAGE SERVICE; PROVIDING PENALTIES THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE**

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**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON, WESTON COUNTY, WYOMING:**

SECTION 1:

13.04.010-Rights of Town.

The Town reserves the right to amend its ordinances, rules and regulations as they apply to the water, sewer systems and garbage facilities, and to change rates for water, sewer and garbage service provided by the Town. As per **Wyoming § 15-7-606**, the gross receipts from the operation of the water system, sewer system, and garbage service shall be sufficient each year to pay for the costs of operation, maintenance, depreciation, principal and interest on outstanding revenue bonds, if any, or indebtedness and to provide a reasonable reserve.

13.04.020-Application

Every person applying for water, sewer and garbage service to the applicant's and owner(s) of premises for which an application is made shall be deemed to have consented to all resolutions, ordinances, rules, and regulations of the Town relating to the water, sewer and garbage.

13.04.030-Billing

A. All charges for furnishing water, sewer, and garbage services shall be billed on a monthly basis. Billing statements shall be mailed by first class mail to the last mailing address provided by the owner/customer. If the customer requesting water, sewer and garbage services is not the owner of the property benefitted by the provision of water, sewer and garbage services, billing statements shall be mailed to the owner and the owner shall be responsible for all water, sewer and garbage services provided to the owner's property. In the event billing statements are returned by the postal service, the account shall be placed on a shut off list and subject to disconnection from water, sewer and garbage services. It shall be the responsibility of each owner/customer to make the water meter available so as to be read by Town personnel. If Town personnel are unable to access a water meter or if the water meter is not functioning properly, the Town may estimate the owner/customer's water consumption based upon past consumption. Adjustments necessary to correct estimates shall be made on the next billing statement which is based upon the owner/customer's actual metered water consumption. In the event of a change of customer for any premises to which water, sewer and garbage services has been provided, the water meter may be read and/or estimated. The amount of each monthly statement for water, sewer, and garbage service shall be due ten (10) days from the date the statement was mailed and any bill not paid in full within thirty (30) days from the date the statement was mailed shall be considered delinquent and all amounts billed for water, sewer, and garbage service shall become immediately due and payable regardless of whether other billed amounts are delinquent.

B. No member of the Governing Body of the Town of Upton, nor any officer, employee or agent of the Town shall loan or give credit to any individual, association or corporation for amounts due to the Town.

C. A Notice of Delinquency shall be sent or delivered to each owner/customer whose bill is not paid in full within thirty (30) days as required. The Notice of Delinquency shall be mailed by first class mail to the last mailing address provided by the owner/customer, and shall state:

1. The owner/customer's bill is delinquent;

2. If the owner/customer fails to pay the delinquent bill plus all other amounts billed for water, sewer and garbage service in full within ten (10) days from the date of the notice of delinquency, the owner/customer's water, sewer and garbage service may be discontinued without further notice.

D. If water, sewer and garbage service is discontinued due to delinquency, services shall not be restored until the owner/customer has:

1. Paid the delinquent bill plus all incurred service fees, and all other amounts billed for water, sewer and garbage services have been paid in full;

2. Paid a water and sewer service deposit;

3. Paid a service reconnect fee;

4. Paid fifty-five dollars (\$55.00) if the customer requests water and sewer service restored at any time other than between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, excluding holidays; and

5. Paid all costs and expenses, incurred by the Town to locate, expose (dig-up), repair, replace or install a corporation stop (curb stop valve) so that the owner/customer's water service could be shut off, including but not limited to, labor, parts, materials, street and alley cut fees, and equipment charges billed at usual and customary rates. Once the Town has commenced work to locate, expose, repair, replace or install a corporation stop, the work shall be continued until completed even if the owner/customer pays the delinquent bill before the work is completed.

6. The Town may discontinue service by any method it deems reasonable, including disconnecting an owner/customer's service line from town mains.

#### 13.04.040-Deposit.

A. Before receiving water, sewer and garbage service every residential, commercial and/or industrial owner/customer shall deposit the required amount, established per resolution as provided in 13.04.150-Rates, Deposits and Fees of this ordinance, with the Town Clerk. The deposit shall be held by the Town Treasurer in a separate fund as a guaranty of payment of water, sewer and garbage charges to the premises. Whenever service is discontinued, any balance due to the Town for water, sewer and garbage service to the premises, together with any penalty, shall be deducted from the deposit and the balance refunded to the owner/customer. Trailer courts, apartment houses and other similar multi-family structures or facilities shall deposit one hundred fifty dollars (\$150.00) for each separately addressed water service. Each family unit will be metered and billed separately to the owner of the trailer court, apartment house or other similar multi-family structure or facility.

B. In addition to any deposit, each owner/customer receiving water shall pay a connection fee before receiving water service, and a disconnect fee when terminating water service, either temporarily or permanently. Fees are established per resolution as provided in 13.04.150-Rates, Deposits and Fees of this ordinance.

#### 13.04.050-Discontinuation of service.

The Town reserves the right to discontinue service to any owner/customer of the water, sewer and garbage service system, including use of landfill services without notice when necessary for repairs or on account of disregard of regulations or rules affecting the service.

#### 13.04.060-Multi-family structures or facilities.

A. Apartment houses and other similar multi-family structures or facilities shall be constructed and plumbed in a manner that will provide individual water service to each family unit, and each family unit will be metered and billed separately. The owner of the apartment house or similar multi-family structure or facility shall be responsible for the payment of the bill.

B. Trailer courts shall be constructed to be plumbed to one meter and the owner of the park shall be responsible for the payment of the bill.

C. Existing trailer courts, apartment houses, and other similar multi-family structures or facilities which do not meet this requirement may continue to receive water through one water meter, but all such water delivered shall be billed to and paid for by the owner of the trailer court, apartment house or other similar multi-family structure or facility.

#### 13.04.070-Installation, alteration and repair.

A. The installation, alteration and repair of private water and sewer services lines shall be at the owner's expense, and connection of the service lines to the Town main shall be under the supervision of the town.

B. All private water and sewer service lines shall be of material approved by the Town.

#### 13.04.080-Extension or branch from a water or sewer line.

A. Every building, structure or premises shall have separate water and sewer service connections. No branch or extension of any water or sewer service line shall provide service to any other building, structure or premises.

B. Any person who makes or causes to be made an unauthorized extension or branch from any Town water or sewer service line shall be guilty of a misdemeanor and punished by a fine of not more than seven hundred fifty dollars (\$750.00).

#### 13.04.090-Application for property outside corporate limits.

Any person desiring water service from the Town shall apply for the right to make connection on a form provided by the Town. The application shall give an exact description of the premises to be served and shall be filed with the Town Clerk. Per Town policy, services can be provided to property or premises outside the corporate limits of Town. Such services will be provided, if economically feasible, and billed to the owner/customer at the appropriate maximum rate as per **Wyoming § 15-7-602**.

#### 13.04.100-Fees.

A. Any person filing an application for water and/or sewer service shall pay the Town Clerk a connection charge or tap fee in an amount established by resolution of the Town council, plus the deposit and fees as required. Upon approval of the application, the applicant shall be entitled to connect the premises, referred to in the application to the Town mains, to have a corporation stop installed and to the use of a water meter on the premises.

B. Utility accounts not paid in full by the 25<sup>th</sup> day of the month in which the bill was mailed shall incur a late fee for that month, and an additional late fee for each month following where the account is not paid in full. Fees are established per resolution as provided in 13.04.150-Rates, Deposits and Fees of this ordinance.

#### 13.04.110-Cost of installation and maintenance.

The cost of installation and maintenance of service lines from the Town mains to the owner's premises shall be paid entirely by the owner, except that the Town shall furnish the tapping saddle, corporation stop, water meter, meter yolk and couplings. All service lines shall be subject to inspection by the Town. If necessary repairs of service lines are not promptly made by the owner, the Town may discontinue water and sewer service until the necessary repairs are completed.

#### 13.04.120-Water meter.

The Town shall install and maintain a water meter in a suitable location provided by the owner. The meter location must be easily and safely accessible by Town personnel, and must be adequate to protect the meter from damage, vandalism and the weather, particularly freezing. The Town shall determine whether the location is suitable in its sole discretion. If the location is not suitable, or if the location later becomes unsuitable for any reason, the owner shall promptly make whatever changes are necessary to provide a suitable location. If the owner fails to correct an unsuitable location after being notified by the Town to do so, the owner shall be liable for and shall pay the Town for the repair or replacement of any meter damaged as a result of the unsuitable location, and the Town may discontinue water service until a suitable location is provided. Should a water meter become non-functional due to age or under other circumstance not related to damage caused by owner/customer, the Town shall exercise due diligence in providing a functional meter within a reasonable amount of time.

#### 13.04.130-Unauthorized use of water from Town system unlawful.

A. It shall be unlawful for any person except an authorized agent of the Town, to use water from the Town system unless drawn through a meter installed by the Town.

B. Violation of this section constitutes a misdemeanor and is punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

#### 13.04.140-Tampering with any water service connection unlawful.

A. It shall be unlawful for any person, except an authorized agent of the Town, to turn a Town corporation stop on or off or otherwise tamper with any water service connection.

B. Violation of this section constitutes a misdemeanor and is punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

#### 13.04.150-Rates, Deposits and Fees.

Rates, Deposits and Fees for water, sewer and garbage service shall be established and/or changed as necessary by resolution by the Town Council.

#### 13.04.160-Installation of stops.

There shall be an accessible corporation stop installed in every service line between the Town main and the meter so water can be shut off. There shall also be a stop in the service line on the side of the meter toward the premises, which the owner/customer may turn off and on.

13.04.170-Water meter test.

An owner/customer may request to have a water meter tested for accuracy by notifying the Town Clerk in writing and pay a fee. If the meter registers less than ninety-eight percent (98%) accurate it shall be replaced by the Town at no cost to the owner/customer and test fee shall be refunded.

13.04.180-Unpaid bills.

Residential water, sewer and garbage service shall be billed to the owner of the property or premises according to the most current records at the Weston County Assessor's office. Should bills continue to go unpaid, the Town may file a lien against the property or premises until all amounts owed to the Town have been paid in full. The Town reserves the right to refuse service to any owner/customer who owes money to the Town for water, sewer and garbage services provided in the past for any premises, and further reserves the right to refuse service to any member of the owner/customer's family or other with whom the owner/customer resides, until all amounts owed the Town have been paid in full.

13.16.020-Violation-Penalty

Violation of any of the provisions of this chapter is a misdemeanor punishable under Section 1.24.010.

SECTION 2: SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this and the provisions of this act are severable.

SECTION 3: Repealing Clause

Any other ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4: EFFECTIVE DATE

DATED this 14th day of August, 2018.

Attest:

TOWN OF UPTON, WYOMING

BY: Travis Beck, Mayor

Kelley Millar, Clerk/Treasurer

(SEAL)

Passed on first reading: 06/12/2018

Passed on second reading: 07/10/2018

Passed on third reading: 08/14/2108

PASSED, APPROVED AND ADOPTED on third reading this 14 day of August, 2018.