

193 – ORDINANCE NO. 2009-49

AN EMERGENCY ORDINANCE TO REPEAL AND REPLACE 185 ORDINANCE NO. 2008-41, 178 ORDINANCE NO. 2008-34, 150-ORDINANCE NO. 2007-06 and 107-ORDINANCE NO. 2004-04 AND TO ESTABLISH AN ORDINANCE REGULATING SEWER CONNECTION FEES, SEWER USAGE RATES, AND SEWER BILLING AND COLLECTION POLICY.

Section I: Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

Section II: Effective Date.

As an emergency ordinance, this ordinance will be effective as of its first and only reading. The current emergency is the immediate preservation of the health safety and welfare of the citizens of Alpine due to the impending deadlines for connection requirements, given that a number of homes have a physical impediment to connecting to the Town Sewer System and the Town Engineer has been instructed to conduct a survey to explore other options for connecting such homes to the Sewer Collection System and such report will not be able to be acted on by the Council prior to the required dates for connection to the Sewer Collection System.

Section III: Connection Requirements

Sewer hook-up (connection) fees and user fees shall be assessed on an ERU (Equivalent Residential Unit) basis as indicated in Exhibit A and A1 (effective as of July 31, 2009) attached hereto and incorporated herein by reference, and as they may be amended from time to time.

Beginning at the effective date of this ordinance no permanent septic tank/leachfield permits shall be issued to existing facilities within the confines of the existing collection system or the Phase I Sanitary Sewer Collection System Expansion Project Area.

- A. Pre-existing Septic Systems Within the existing collection system and the Phase I Sanitary Sewer Expansion Project Area that are 15 years or older.
 1. A sewer connection shall be installed and the existing septic tank/leachfield shall be properly abandoned within one hundred and eighty (180) days of the date that the Expanded Sewer Collection System is available to accept waste for those users within the Phase I Sanitary Sewer Expansion Project Area (the "effective date"). The Phase I Sanitary Sewer Expansion Project Area is shown on Exhibit B attached hereto, and incorporated by reference herein.
 2. On or about May 1, 2009, all lot owners of land within the Phase I Sanitary Sewer Expansion Project and those owners on the existing collection system with pre-existing septic systems who are not connected shall be sent a courtesy notice via registered mail, return receipt requested from the Town to their address of record as to the effective date, as well as a reminder of the connection fee increase on July 31, 2009, and the status of their lot regarding a mandatory connection to the new system as required

under 170 Ordinance No. 2008-26. Should a lot owner refuse the registered mail, the Town shall attempt a hand delivery of the letter to the lot in question. Failure to receive or accept any such notice prescribed by this ordinance shall not be a defense to the requirements of this ordinance.

3. Properties under this section shall begin to pay a readiness to serve fee per ERU as of the date the Phase I Expanded Sewer Collection system is available to accept waste.
 4. The readiness to serve fee shall be equal to the base monthly sewer charge per ERU.
- B. Pre-existing septic systems within the existing collection system and Phase I Sanitary Sewer Expansion project without valid septic tank/leach field permits.
1. As of the passing of this Ordinance, lot owners with existing structures within the existing collection system and the Phase I Sanitary Sewer System Expansion Area without valid septic tank/leach field permits shall be sent a registered, return receipt requested letter from the Town instructing that lot owner to hookup to the new system within one hundred and eighty (180) days of the mailing of the letter or the completion of the Phase I Sewer Collection System, whichever is later as required under 170 Ordinance No. 2008-26.
 2. Properties under this section shall begin to pay a readiness to serve fee per ERU as of the effective date.
 3. The readiness to serve fee shall be equal to the base monthly sewer charge per ERU.
- C. Pre-existing Septic Systems Within the existing collection system and Phase I Sanitary Sewer Expansion Project Area that are less than 15 years old.
1. Beginning in calendar year 2010 and continuing every year thereafter, lot owners with existing structures within the existing collection system and the Phase I Sanitary Sewer Expansion Area whose valid septic tank/leach field permits indicate a system age of fifteen (15) years or more during that respective calendar year shall be sent a registered, return receipt requested letter from the Town, instructing that lot owner to hookup to the new system within one hundred and eighty (180) days of the mailing of the letter or by the 15th anniversary of that septic tank/leach field's installation, whichever is later as required under 170 Ordinance No. 2008-26. The letter shall be postmarked on or about May 1 of the respective year to enable connection during the summer months.
 2. Properties under this subsection shall begin to pay a readiness to serve fee per ERU as of the date their system reaches the age of fifteen (15) years of age.
 3. The readiness to serve fee shall be equal to the base monthly sewer charge per ERU.
- D. New Construction in areas currently serviced by the existing collection system and the Phase I Sanitary Sewer Expansion Project Area.

A sewer connection will be made available after the building application process has been completed, all sewer hookup fees have been paid in full and a building permit issued. Sewer hookup fees shall be assessed on an ERU basis in conformance to Exhibit A and A1 (as of July 31, 2009), according to the proposed building use as declared by the applicant in the building permit application.

1. A sewer connection must be utilized by all originally assessed ERUs within one year from the date on which fees are paid. In the event that the sewer connection has not been made, placed in operation and utilized by all originally assessed ERU's within one year, the applicant will be assessed a monthly readiness-to-serve fee per ERU equal to the current monthly sewer use fee charged all Town residents for those ERUs originally assessed, though not used at that time. Failure to pay any applicable readiness-to-serve fee will be cause for revocation of the portion of the original building permit applicable to unused ERUs, those ERUs will be forfeited and no refunds for any previously paid readiness-to-serve fees or sewer hookup fees will be provided.
2. Prior to issuance of a Certificate of Occupancy for a new building, a final inspection shall be conducted by the Town to assure the proper number of sewage ERUs have been assessed and reflect the final intended building use. If the final calculations of assessed ERUs are greater than the number of originally assessed ERUs calculated prior to issuance of the building permit, then the Certificate of Occupancy shall be withheld pending the purchase of additional ERUs required at the then current rate. If the final calculations of assessed ERUs are less than the number of originally assessed ERUs calculated prior to the issuance of the building permit, the applicant shall be refunded the connection fees for those unused ERUs. By way of example, if a user buys five (5) ERUs for five (5) offices and subsequently, yet prior to the issuance of a Certificate of Occupancy has a use that uses more ERUs, i.e., two (2) more than originally planned, that user will have to purchase two (2) more ERU connections at the then current price prior to obtaining the Certificate of Occupancy. If that same user has a need for only three (3) of the five (5) purchased ERUs, that user will be refunded the connection fees for the two (2) unused ERUs. No fees shall be refundable after one year from the purchase of those ERUs or from the time when a Certificate of Occupancy is issued, whichever comes first.
3. Beginning at the passing of this ordinance, no further permanent septic tank permits will be issued in Phase I. Occupancy of newly constructed structures shall not occur until the effective date.

E. Pre Existing Septic Systems that fail to operate properly

1. Any lot owner with an existing structure on the existing collection system or in the Phase 1 Sanitary Sewer System Expansion Area who has a septic system/leachfield that fails to operate effectively shall be required to properly abandon that septic system/leachfield and connect to the collection system within thirty (30) days of such failure or as soon as the collection system becomes available in the case of a user in Phase 1.

SECTION IV FEES

New Connection Fee \$7,500

1. New Connection Fee

As of July 31, 2009 a sewer connection fee shall be \$7,500 per single equivalent residential unit (ERU) for those lots within the existing collection system and the Phase 1 Sanitary Sewer Expansion Area. The cost of connection for non-residential users will be calculated as multiples of ERUs in accordance with Exhibit A and A1 (as of July 31, 2009), attached hereto and incorporated herein by reference.

2. Prepay

Any lot owner in the area served by the current collection system or in Phase I may prepay their sewer connection fee(s) prior to July 31, 2009, and pay the current fee of five thousand dollars (\$5,000) per ERU.

3. Rebates

Any lot owner in the area served by the current collection system or in Phase I with an existing septic tank may apply for a partial rebate on their connection fee per ERU. Such rebate is provided to recognize the owner's prior investment in their existing septic system. In order to qualify for a rebate, the owner must submit a signed application to the Town Clerk on, or prior to, July 30, 2009.

3.1 Owners of lots with septic systems older than 15 years shall be entitled to receive a rebate of \$2,000.

3.2 Owners of lots with septic systems less than 15 years shall be entitled to receive a rebate of \$3,000.

3.3 In order to obtain such rebates, owners of lots must begin paying the monthly readiness to serve fee beginning on July 31, 2009. Payment of such readiness to serve fee shall continue until actual connection to the Town sewer is made.

3.4 Property owners with septic systems less than or more than 15 years old who take advantage of the rebate shall properly abandon the existing septic tank/leachfield and connect to the collection system within three years of July 31, 2009.

3.5 Property owners without valid septic system permits shall properly abandon the existing septic tank/leachfield and connect to the collection system within three years of July 31, 2009.

3.6 Property owners who take advantage of the rebate must begin to pay readiness to serve fees as of July 31, 2009, and properly abandon the existing septic tank/leach field and connect to the sewer sanitation system within three years from July 31, 2009.

3.7 Should a user not connect to the sewer sanitation system within the times prescribed by this ordinance, water service will be shut off in accordance with Section VI of this ordinance and they shall be subject to such penalties described in 170-Ordinance No. 2008-26 and shall forfeit the rebate offered and be required to pay the then current connection fee when they actually connect to the sewer system with an offset of amounts paid prior.

3.8 Should a user fail to pay readiness to serve fees as required by this ordinance, water will be shut off in accordance with Section VI of this ordinance.

3.9 New construction will not be eligible for rebates.

4 Amortization of Connection Fees

Any landowner within the Existing Collection System and Phase I Sanitary Sewer Expansion Area whose sewage waste is currently treated by a private septic system may elect to amortize their connection fee and pay that fee over time, subject to the following conditions:

- a) Declaration to use the amortization plan has to be made by the lot owner by July 31, 2009 (with amortization payments beginning the month thereafter);
- b) Connection to the sewer system must be completed by the relevant dates prescribed above;
- c) Payment shall be over twenty (20) years at a rate of two and one half (2.5) percent per annum payable on monthly installments as prescribed in the form of amortization table attached as an exhibit to Exhibit C;
- d) Each landowner seeking amortization must sign a contract in the form of Exhibit C attached hereto and incorporated herein by reference, and as it may be amended from time to time, agreeing to pay the required amounts;
- e) The contract must also provide that the landowner agrees to a lien being placed on their property for the full amount financed;
- f) The contract must also contain an acknowledgement that the landowner agrees that the Town can shut off their water if the landowner is in default of payment of their sewer fees after a sufficient notice of default and opportunity to cure.

5 Discounts for Eligible Senior and Disabled Citizens

The connection fee for senior citizens aged sixty-five (65) or over who certify to the Town that they are the owner and primary resident of the residence, that Alpine is their primary residence, as evidenced by voting records or tax returns and that their net annual income (as verified by tax returns for the prior year) does not exceed one hundred and fifty percent (150%) of the Lincoln County poverty level and disabled citizens who certify that they are permanently disabled (as verified by a determination of disability by the State of Wyoming or another state or Federal Agency), that they are the owner and primary resident of the residence, that Alpine is their primary residence, as evidenced by voting records or tax returns, and that their net annual income (as verified by tax returns for the prior year) does not exceed one hundred and fifty percent (150%) of the Lincoln County poverty shall have their connection fee reduced by fifty (50) percent. Owners qualifying under this section may also have their connection fees amortized as set forth above.

6 Refunds of Prepaid Connection fees

Any landowner who prepaid connection fees under 178 Ordinance 2008-34 may elect to have their fees refunded in part as follows:

- A. If eligible for a rebate, such landowner may be refunded the amount of the rebate they are eligible for.
- B. If eligible for amortization, such landowner may be refunded the connection fee subject to meeting the requirements of Section IV(4).
- C. The provisions of this subsection 6 shall not be mutually exclusive

7. Fee increases in connection and user fees, shall be as follows:

- a. Connection fees.

1. FY 2015 \$8,600/ERU
2. FY 2020 \$10,000/ERU
3. FY 2025 \$11,600/ERU

b. Monthly User Fees

1. FY 2010 \$36/ERU
2. FY 2014 \$41.70/ERU
3. FY 2019 \$48.30/ERU
4. FY 2025 \$54.1/ERU

Section V: Town Supervision of Connections to the Sewer Collection System

The Town of Alpine shall be notified at least twenty-four (24) hours in advance of any excavation relating to a connection to the Town's collection system.

Maintenance of the entire service line from the house to Town Right of Way is the sole responsibility of the property owner. Town sewer maintenance responsibility is limited to the street main line and extending to the end of the Right of Way.

The connection provided by the Town will include tap, saddle (if needed) and the pipe to the property line. Property owner will then be responsible for actual hook up to home/business. Any and all extra services and or parts while connecting to sewer will be at the owner's expense (labor, sand, gravel, backhoe use).

Pursuant to the timetables set forth above:

Lot owners shall be responsible for connecting their home/business to the Town Sewer Collection System and shall follow the requirements below.

1. Sewer service piping shall be Schedule 40 ABS DWV or Schedule 40 PVC DWV, with a minimum diameter of 4 inches.
2. All joints shall be gasketed.
3. The slope shall be uniform and not less than one-fourth (1/4) inch per foot or two percent (2%) unless otherwise prior approved in writing by the Town Engineer.
4. Sewer service piping shall be bedded with granular material with a maximum particle size not greater than one inch (1").
5. Bedding material shall be free of cinders, ashes, wood, vegetation, frozen or other deleterious materials.
6. Service line can only service one building/residence, unless an approved variance is provided by the Town of Alpine upon a showing for good cause prior to connection to the Collection System.
7. Roof downspouts, interior and exterior foundation drains, sump pumps discharging unpolluted water or other sources of surface runoff or groundwater cannot be connected to the sewer system.
8. Cleanouts shall be placed inside the building near the connection between the building drain and building sewer or installed outside the building at the lower end of the building drain and extended to grade. Additional cleanouts shall be installed at intervals not to exceed one

hundred (100) feet in straight runs and for each aggregate horizontal change in direction exceeding one hundred thirty-five (135) degrees. All required outside cleanouts shall be extended to six inches above grade with an appropriate cap.

9. If a connection is made using a coupling, it shall be a steel sleeve reinforced "Fernco" type coupling. Coupling installation shall be observed by the Town Representative.
10. When users plan to have a sewer basement, the user shall install a backflow prevention device on the service line and shall be responsible for maintaining that device.
11. The installer shall contact One Call of Wyoming (811) and the Town of Alpine prior to any excavation. The installer shall be responsible to locate and preserve all existing utilities, and will be responsible for any damage.
12. No physical connection to the service stub can be made until the Town's representative is present to witness testing (as described below) and supervise the connection process. In order to facilitate testing a ten (10) foot minimum separation between the town service stub and the landowner's sewer line as well as a ten (10) foot minimum separation between the landowner's sewer line and the building shall be required until testing is complete.

Testing

A water test shall be performed under the town representative's supervision to insure that the land owner's service line is watertight. The Town shall have available a four inch (4") pneumatic plug and a four inch (4") gasketed elbow and ten foot (10') length of four inch (4") PVC pipe to facilitate the testing. The plug will be placed on the end of the service line nearest the street. The elbow and pipe length will be placed vertically on the end nearest the building and a garden hose will be used to fill the section of pipe to the top of the vertical pvc pipe attached to the service line. The water level will then be marked and observed for a period of time determined by the Town's representative in order to check for leaks in the service line.

Once the Town Representative determines that there are no leaks in the service line, the service line may be tied into the building and then tied into the sewer stub.

All sections of sewer pipe shall be flushed with water to clear out all dirt and debris from the service line prior to connection to the service stub.

No tie ins to the sewer stub may be made without the Town representative being present. Anyone tying into the service stub without Town supervision will be fined in accordance with 170 Ordinance 2008-26 and the connection will have to be dug up and checked by the Town representative at the owner's expense. The landowner will be held strictly liable for any damage to the sewer system resulting from any failures to observe this ordinance

An application form will be provided to the homeowner setting out these requirements when the homeowner comes into pay his/her connection fee.

Abandonment of Existing Septic Tanks

It shall be the responsibility of the property owner to properly abandon existing septic tanks within thirty (30) days of the time connection is made to the Town sewer collection system. Abandonment shall be in accordance with the following requirements:

- a. Disconnection of the inlet and outlet piping to the existing tank;
- b. Pumping of the liquid and solid septage by licensed septic tank pumper with approved disposal pursuant to DEQ regulations;
- c. Break tank lid, pieces may be dropped into tank or disposed of in a landfill;
- d. Perforate the bottom of the tank in at least six (6) places
- e. Filling of the septic tank with pit run, pea gravel, drain rock, sand or native soil; or
- f. Physically destroying and crushing the septic tank or removing the septic tank from the ground and disposing of it in a landfill and backfilling the hole.

Ordinance 170 – ORDINANCE NO. 2008-26 provides any and all other requirements, penalties, definitions, prohibitions to the Town of Alpine Sewer System and Treatment Plant.

Section VI: Billing and Collection Policy.

1 Billing for sewer will be for the first full month after installation of the service or and shall be billed monthly thereafter.

2 Billing for readiness to serve fees shall be in accordance with the requirements set forth above and subject to the penalties below and shall be billed monthly thereafter.

3 Bills will be mailed to all customers no later than the fifth (5th) day of the following month. Payment will be due on the fifteenth (15th) of the month the bill is sent out. Payments received after the twenty – fifth (25th) day of that month will be assessed a five dollar late charge. At the next billing cycle, delinquent accounts will be sent a delinquency notice. If bills are not brought current by the twenty-fifth (25th) day of the second billing month, the Town will send a notice that water service will be disconnected by the twenty-fifth (25th) day of the third billing month. Example: January billing for the use in December goes out on the fifth (5th) of January and is due on the fifteenth (15th) of January. If not paid by the twenty-fifth (25th) of January, a five (5) dollar late charge applies. Bills for January are sent out on the fifth (5th) of February along with a notice of delinquency for the December bill sent in January and not yet paid. All amounts are due on the fifteenth (15th) of February. Assuming the February bill is paid, but the January bill is still unpaid, a second five dollar late fee will apply on the twenty fifth (25th) of February for the unpaid January bill. Bills for February are sent out on the fifth (5th) of March and are due on by the fifteenth (15th) of March. That bill will also contain a disconnect notice stating that if the total amount due is not paid in full by the fifteenth (15th) of March, water service will be disconnected by the twenty fifth (25th) of March. See the Water Fees Ordinance (156 Ordinance 2007 No. 12) as it may be amended from time to time, for all charges associated with a delinquent disconnect (delinquent sewer disconnect = delinquent water disconnect).

4 The Town of Alpine will not disconnect water service for a delinquency in payment of fees for a residence between December 1 of one year and April 1 of the next year. Businesses will be disconnected for water service for a delinquency in payment of fees irrespective of the time of year.

5 A service fee of thirty dollars (\$30.00) will be charged for any and all returned checks. This fee will be added to the users account or as determined by the Treasurer.

Section VII: Transfer Fee.

Where existing service is in place no transfer fee will be required, though an application for sewer/water service will be required along with a deed to the property showing current ownership of the property.

Section VIII: Refunds / Waiver of Fees.

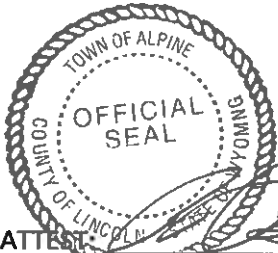
Subject to Section III(D)(3) and IV(6) above all fees are non-refundable. There will be NO waiver of fees. If a sewer connection is not made within the above stated mandatory time period and the applicant re-applies for a sewer connection fee on that same lot, the amounts already paid shall be applied to the new fee in place at the time of the reapplication.

Section IX: Additional Fees.

If any of the above fees do not fully cover the total costs of processing any application and or sewer hook-up additional fees may be assessed on a case by case basis.

Section IX: This ordinance passed and approved on the following dates:

Passed on the First and only reading as an emergency ordinance on June 16, 2009
VOTE: 4 YES 0 NO 0 ABSTAIN 1 ABSENT


ATTEST _____
BRENDA BENNETT, CLERK

SIGNED: _____
TROY JOHNSON, MAYOR PRO-TEM

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing 193 Ordinance No. 2009-49 shall be duly posted for ten (10) days in the Town Clerk's Office.

I further certify that the foregoing Ordinance will be published at least once in the Star Valley Independent as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES IV, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:



BRENDA BENNETT, CLERK

