

~~185~~ – ORDINANCE NO. 2008-41

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AN ORDINANCE TO REPEAL AND OR REPLACE ~~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.

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**Section II: Effective Date.**

This ordinance will establish an effective date at its passing on the third and final reading.

**Section III: Connection Requirements**

Sewer hookup (connection) fees and user fees shall be assessed on an ERU (Equivalent Residential Unit) basis as indicated in Exhibit A attached hereto and incorporated herein by reference, and as it may be modified from time to time.

A. Pre-existing Septic Systems Within Phase I Sanitary Sewer Expansion Project Area.

A sewer connection shall be installed within one hundred and twenty (120) days of receipt of notice from the Town Council that the new Waste Water Treatment Plant and Expanded Sewer Collection System is available to accept waste for those users within the Phase I Sanitary Sewer Expansion Project Area whose sewage waste is currently treated by a private septic system older than fifteen (15) years or for users of any private septic system which fails to operate effectively. See 170-Ordinance No. 2008-26. The Phase I Sanitary Sewer Expansion Project Area is shown on Exhibit B attached hereto, and incorporated by reference herein.

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Beginning at the effective date of this ordinance no permanent septic tank/leachfield permits shall be issued to new or existing facilities within the confines of the Phase I Expansion Project.

B. New Construction in areas currently serviced by a public sewer main as of the effective date of this Ordinance.

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, according to the proposed building use as declared by the applicant in its building permit application.

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Notwithstanding the provisions below, a sewer connection must be utilized by **all** originally assessed ERU's 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 equivalent 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

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unused ERU's, and no refunds for any previously paid readiness-to-serve fees or sewer hookup fees will be provided.

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. No refunds will be provided for unused ERUs. By way of example, if a user buys 5 ERUs for 5 offices and subsequently has a use that uses more ERUs, say two more than originally planned, that user will have to purchase two more ERU connections prior to obtaining the Certificate of Occupancy.

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C. New Construction on Undeveloped Lots in the Phase I Sanitary Sewer Expansion Project Area, as Shown on Exhibit B attached hereto and incorporated by reference herein.

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A sewer connection will be made available after the Expansion Project is completed, preliminarily scheduled for June-July, 2009, and 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 with Exhibit A attached hereto according to the proposed building use as declared by the applicant.

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Beginning at the effective date of this ordinance, no further permanent septic tank permits will be issued to new facilities within the confines of the Phase I Sanitary Sewer Expansion Project. Occupancy of newly constructed structures shall not occur until the Sewer Expansion Project and the new Wastewater Facility are able to accept sewage, unless the applicant chooses to install a temporary watertight wastewater holding tank, which can be pumped as necessary to maintain continuous service. Maintenance and operation of the temporary holding facility, and all costs thereof, shall be the total responsibility of the applicant. After the Expansion Project is complete and operational, and Notice is provided to the Applicant by the Town, the applicant shall have forty five (45) days to remove the holding tank and connect to the operable sewer. Monthly sewer use fees will be assessed from the date the connection is completed.

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All provisions of Section III B above apply to new construction within this category.

D. Fee increase to 7,500

New Connection Fee

1. New Connection Fee

As of January 31, 2009 a sewer connection fee shall be \$7,500 per single equivalent residential unit (ERU) for those lots within the existing collection system.

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As of July 31, 2009 a sewer connection fee shall be \$7,500 per ERU for those within the Phase I Sanitary Sewer Expansion Project Area. **The six month delay beyond January 31, 2009 is due to the fact that the Phase I Collection System is not anticipated to be in operation until July 1, 2009.**

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On or about April 1, 2009, all lot owners of land within the Phase I Sanitary Sewer Expansion Project shall be sent a **courtesy** notice via registered mail, return receipt requested from the Town to their address of record as to when sewer service **is expected to be available, 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 such notice shall not be a defense to the requirements of this ordinance.**

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After the Phase I Collection System is placed into operation, lot owners with existing structures within the Phase I Sanitary Sewer System Expansion Area without valid septic tank/leach field permits, or whose valid septic tank/leach field permits indicate a system age of fifteen (15) years or more as of the date of the mailing of the notice and those users of any private septic system which fails to operate effectively, 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 twenty (120) days of the mailing of the letter 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 such notice shall not be a defense to the requirements of this ordinance.

Deleted: 2.1 Any lot owner that currently has sewage treatment through an onsite septic tank/leach field and currently has public sewer service available may prepay their sewer connection fee prior to January 1, 2009 and pay the current fee of \$5,000 per ERU. Such properties shall be required to properly abandon the existing septic tank/leachfield and connect to the sewer sanitation system within 120 days of Notice from the Town Council that the new Waste Water Treatment Plant (WWTP) and sewage collection system are available to accept waste. Should a user not connect to the sewer sanitation system within 120 days of notice to do so, in addition to such penalties described in 170-Ordinance No. 2008-26, such user shall pay a monthly "readiness to serve fee" equal to the monthly user fee for waste disposal into the sewer sanitation system for each month that user is not connected after the 120 day grace period has passed. ¶

Beginning in calendar year 2010 and continuing every year thereafter, lot owners with existing structures within 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, and those users of any private septic system which fails to operate effectively, 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 twenty (120) days of the mailing of the letter 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 such notice shall not be a defense to the requirements of this ordinance. The letter shall be postmarked on or about May 1 of the respective year to enable connection during the summer months.

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The cost of connection for non-residential users will be calculated as multiples of ERUs as appropriate.

2. Prepay

2.1 Any lot owner that currently has sewage treatment through an onsite septic tank/leach field and will have sewer service available under the Phase I Sanitary Sewer Expansion Project may prepay their sewer connection fee prior to July 31, 2009 and pay the current fee of five thousand dollars (\$5,000) per ERU. Such properties shall be required to properly abandon the existing septic tank/leach field and connect to the sewer sanitation system within one hundred and twenty (120) days of Notice from the Town Council by registered mail, return receipt requested, that the new Waste Water Treatment Plant (WWTP) and Phase I Sanitary Sewer Collection System are available to accept waste. Should a user not connect to the sewer sanitation system within one hundred and twenty (120) days of notice to do so, in addition to such penalties described in 170-Ordinance No. 2008-26, such user shall pay a monthly "readiness to serve fee" equal to the monthly user fee for waste disposal into the sewer sanitation system for each month that user is not connected after the one hundred and twenty (120) day grace period has passed.

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 such notice shall not be a defense to the requirements of this ordinance.

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2.2 New construction on lots that currently have public sewer service available may prepay the sewer connection fee prior to January 31, 2009 at the current fee of \$5,000 per ERU.

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2.3 New construction on lots that will have service provided by the Town of Alpine under the Phase I Sanitary Sewer Expansion Project may prepay the sewer connection fee prior to July 31, 2009 at the current fee of \$5,000 per ERU.

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2.4 All provisions of Section III B above apply to new construction within Sections 2.2 and 2.3 above.

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### 3 Financing

Any landowner with a mandatory connection within the Phase I Sanitary Sewer Expansion Area whose sewage waste is currently treated by a private septic system may elect to amortize their \$5,000 connection fee and pay that fee over time, subject to the following conditions:

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- a) Declaration to use financial plan has to be made by the lot owner by July 31, 2009
- b) Payment shall be over twenty (20) years at a rate of four (4.0) percent per anum payable on monthly installments
- c) Each citizen seeking financing must sign a contract in the form attached hereto as 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;
- d) the contract must also provide that the landowner agrees to a lien being placed on their property for the full amount financed
- e) the contract must also contain an acknowledgement that the landowner agrees that the Town can shut off their water if they landowner is in default of payment of their sewer fees after a sufficient notice of default and opportunity to cure.

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### 4 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 primary resident of the residence, that they are a full-time resident of Alpine 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, that they are the primary resident of the residence, that they are a full-time resident of Alpine 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.

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[as a policy decision you may change the reduction of the connection fees]

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### Section IV: Town Supervision

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. A Town representative shall be present at the time the physical connection is made between the Town-installed service pipe and the property owner-installed pipe at the property line, to insure that no dirt or foreign material enters the system at the

time the connection is made and such Town representative shall conduct a final inspection upon completion of the hookup before any backfilling is done.

Maintenance of the entire service line from the house to the street main, including the mainline tap, is the sole responsibility of the property owner. Town sewer maintenance responsibility is limited to the street main line only.

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.)

1. It is mandatory that the pipe be minimum four (4) inches in diameter, PVC ASTM 3034, SDR 35.
2. All joints shall be gasketed.
3. Service line recommended grade is ¼ inch per foot (2%).
4. Service line can only service one building / residence unless an approved variance is provided by the Town of Alpine.
5. 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.
6. A cleanout must be provided outside any residence / building terminating six (6) inches above ground level with an appropriate cap.
7. Service line is to be laid on a four (4) inch bed of sand and covered with four (4) inches of sand.

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 V: Billing and Collection Policy.

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

2 Bills will be mailed to all customers no later than the fifth (5<sup>th</sup>) day of the following month. Payment will be due on the fifteenth (15<sup>th</sup>) of the month the bill is sent out. Payments received after the twenty – fifth (25<sup>th</sup>) day of that month will be assessed a five dollar late charge. At the next billing cycle, delinquent accounts will be sent a disconnect notice. If bills are not brought current by the twenty-fifth(25<sup>th</sup>)day of the second billing month, water service will be disconnected. Example January billing goes out on the fifth (5<sup>th</sup>) of February and is due on the fifteenth (15<sup>th</sup>) of February. If not paid by the twenty-fifth (25<sup>th</sup>) of February, a five (5) dollar late charge applies. Bills for February are sent out on the fifth (5<sup>th</sup>) of March along with a notice that the February bill for January water is delinquent. That bill will also state that it is due by the fifteenth (15<sup>th</sup>) of March and that water service will be disconnected if the account is not brought current by the twenty-fifth (25<sup>th</sup>) 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).

**Deleted:** Unauthorized access or tampering with this equipment is a class C misdemeanor and shall be punishable as provided in ORDINANCE 95-ORDINANCE NO. 2203-08, 95-01-C in the Town Municipal Court Ordinance Book as it may be amended from time to time. ¶

**Deleted:** AS OF June 30, 2008, MONTHLY SEWER RATES SHALL BE \$36.00 PER ERU (Equivalent Residential Unit). The monthly cost for non residential users will be calculated as multiples of ERUs as indicated in Exhibit A attached hereto, and as it may be modified from time to time.¶

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**Deleted:** Accounts that become sixty (60) days delinquent will be mailed a disconnect notice that will be executed fifteen (15) days after mailing. Should payment be made during the fifteen (15) days, no additional fees will be imposed and no additional action will be taken. Should payment not be made within fifteen (15) days of the mailing of the disconnect notice, the Town shall disconnect water service to the lot in question.

**Deleted:** The Lot owner will be assessed an hourly fee plus equipment costs for turning water service off. Water service will be reinstated only upon full payment of delinquent balance and an additional one hundred dollar (\$100.00) connection fee.¶

[as a policy decision you may want to revisit this section above, the payment and shut off requirements do not allow a lot of time for someone in financial difficulty, I should think 60 days delinquent might be considered fairer]

3 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.

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**Section VI: Transfer Fee.**

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Where existing service is in place a transfer fee of one hundred fifty dollars (\$150.00), and an application for sewer/water service will be required along with a deed to the property showing current ownership of the property.

[as a policy decision you may want to do away with this altogether – while it’s a source of revenue, it cost the town next to nothing to change a name in the system – I know the council is generally looking to cut fees where they seem unnecessary and provide some relief, this seems like a good place to cut]

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**Section VII: Refunds / Waiver of Fees.**

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 VIII: 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 Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTE: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

Passed on the Second Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTE: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

Passed and approved on the Third Reading on \_\_\_\_\_ day of \_\_\_\_\_, 2008.

VOTS: \_\_\_ YES \_\_\_ NO \_\_\_ ABSTAIN \_\_\_ ABSENT

SIGNED: \_\_\_\_\_  
VICTORIA DECORA, MAYOR

ATTEST: \_\_\_\_\_  
WHITNEY HELLER, CLERK

ATTESTATION OF THE TOWN CLERK

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

I hereby certify that the forgoing Ordinance No. \_\_\_\_\_ was duly posted for ten (10) days in the Town Clerk's Office.

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

ATTEST:

\_\_\_\_\_  
WHITNEY HELLER, CLERK

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