

199 – ORDINANCE NO. 2010-01

**AN ORDINANCE TO REPEAL AND REPLACE 194 ORDINANCE NO 2009-50, 193 ORDINANCE No. 2009 49, 185 ORDINANCE NO. 2008-41, 178 ORDINANCE NO. 2008-34, 150-ORDINANCE NO. 2007-06 and 107-ORDINANCE NO. 2004-04 ESTABLISHING SEWER CONNECTION REQUIRMENTS.**

Be it ordained by the governing body of the Town of Alpine that the following shall regulate sewer connection fees, usage rates, billing and collection in the Town of Alpine, Wyoming.

**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 of this Ordinance.**

This ordinance will be effective as of its third and final reading.

**Section III: Connection Requirements**

- A. Sewer hook-up (connection) fees and monthly user fees shall be assessed on an ERU (Equivalent Residential Unit) basis. An ERU is calculated as 250 gallons per day Average Daily Flow. Average Daily Flow values are to be multiplied by a factor of 1.5 to obtain Max Daily Flow Values. The Town is expected to provide sewage service under Max Daily Flow conditions, not merely Average Daily Flow.
- B. A minimum of one (1) ERU shall be allocable to each connection. Each building shall have a minimum of one connection. Mixed use, commercial and residential lots shall have a minimum of one (1) ERU allocated to each use. R1 zoned home occupations are exempt from the preceding requirement and shall be charged one (1) ERU as the home occupation is incidental to the residential use. Separate ownership interests on a property such as condominiums shall be charged one (1) ERU per condo unit.

**C. ERU DETERMINATION**

On a going forward basis for commercial users, connection fees for new connections to the Town collection system and monthly user fees for new and existing connections, based on ERUs, will be determined after two years of water data are available. For new commercial connections to the Town collection system, a deposit for the connection fee, a minimum of one ERU, will be required to be paid to the Town, in advance, based on information the Town can gather and the landowner can provide about an existing or proposed business. Such connection fee will be agreed upon between the Town Council and the Landowner. The user fee will initially be based on the ERU allocation for which the deposit is paid and will be due monthly. After two years of water usage has been accumulated, actual use shall determine the ERU connection fee allocation and monthly user fee allocation and any excess or deficiency from previous amounts paid will be adjusted and the landowner shall either pay the deficiency or be refunded the excess payments for both connection fee and user fees within one month of the two year anniversary referenced above. Thereafter, the connection fee shall be fixed and the monthly

user fees shall be adjusted according to that newly arrived at ERU allocation based on actual water usage.

- D. The Town of Alpine reserves the right to adjust assigned ERUs to any customer, or groups of customers where sewage contribution exceeds 250 gpd (average daily flow) per previously assigned ERU, based on either measured water usage or measured delivered sewage.
- E. The ERU allocations assume sewage contribution having a concentration of less than 300 mg/l of BOD5, COD or TSS. Sewage contribution having a higher concentration, if acceptable by the Town of Alpine, will be subject to a concentration surcharge determined by the Town.
- F. Monthly user fees for expansions or remodels on an existing service shall be based on the new use.
- G. Beginning at the effective date of this ordinance no permanent septic tank/leachfield permits shall be issued to existing or new facilities within the confines of the existing collection system or the Phase I Sanitary Sewer Collection System Expansion Project Area ("Phase I"). Phase I is shown on Exhibit A attached hereto, and incorporated by reference herein. Beginning at the effective date of this ordinance, no permanent septic tank/leachfield permits shall be issued to existing or new facilities within the Phase II Sanitary Sewer Collections System Expansion Project Area ("Phase II"). Phase II is shown on Exhibit B attached hereto and incorporated by reference herein.
- H. Pre-existing Septic Systems Within the existing collection system and Phase I that are 15 years or older.
  - 1. A sewer connection shall be installed, the connection fee paid, and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of August 1, 2009, (the "Effective Date").
  - 2. On or about May 1, 2009, all owners of land within Phase I and those owners of land in the existing collection system area with pre-existing septic systems who were not connected, were sent a courtesy notice via registered mail, return receipt requested from the Town to their address of record notifying them of the Effective Date, as well as a reminder of the connection fee increase, 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 Effective Date which shall be equal to the base monthly sewer charge per ERU.

- I.
1. A sewer connection shall be installed, the connection fee paid, and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of the Effective Date.
  2. On or about May 1, 2009, lot owners with existing structures within the existing collection system and Phase I without valid septic tank/leach field permits were sent a registered, return receipt requested letter from the Town instructing that lot owner to hookup to the new system.
  3. Properties under this section shall begin to pay a readiness to serve fee per ERU as of the Effective Date which shall be equal to the base monthly sewer charge per ERU.
- J. Pre-existing Septic Systems Within the existing collection system and Phase I that are less than 15 years old.
1. When a septic tank/leach field reaches fifteen (15) years of age, a sewer connection shall be installed, the connection fee paid, and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of the 15<sup>th</sup> anniversary of that septic tank/leach field's installation.
  2. Beginning in calendar year 2010 and continuing every year thereafter, lot owners with existing structures within the existing collection system and Phase I 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, on or about May 1 of that year, from the Town, instructing that lot owner to hookup to the new system.
  3. 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 which shall be equal to the base monthly sewer charge per ERU.
- K. New Construction in areas currently serviced by the existing collection system and Phase I.
1. 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 as set forth in Section III (A-E).
  2. A sewer connection must be utilized within two years from the date on which fees are paid. In the event that the sewer connection has not been made, placed in operation and utilized within two years, at the end of the two years, the applicant will be assessed a monthly readiness-to-serve fee, per ERU, equal to the then current monthly sewer use fee charged all Town residents for those ERUs originally assessed. Failure to pay any applicable readiness-to-serve fee will be cause for revocation of the original building permit and a voiding of the application for sewer service. No refunds for any previously paid readiness-to-serve fees or sewer hookup fees will be provided though if the applicant re-applies for a sewer connection on that same lot, the amounts already paid shall be applied to the new fee in place at the time of the re-application.

3. Occupancy of newly constructed structures shall not occur until a certificate of occupancy is issued.

L. Pre Existing Septic Systems that fail to operate properly

1. Any lot owner with an existing structure on the existing collection system, Phase 1 or Phase II who has a septic system/leach field that fails to operate effectively shall be required to properly abandon that septic system/leach field and connect to the collection system by August 15 of that year. If the failure occurs after August 15, the connection shall be made by June 15 of the following year.

M. Pre-existing Septic Systems Within Phase II that are 15 years or older.

1. The property shall be connected to the collection system, the connection fee paid, and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of the date that Phase II is complete (the "Phase II Effective Date").
2. On or about May 1, 2010, all property owners of land within Phase II will be sent a courtesy notice via registered mail, return receipt requested from the Town to their address of record as to the Phase II Effective Date, and the status of their lot regarding a mandatory connection to the new system. If a property owner refuses 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 Phase II Effective Date, which shall be equal to the base monthly sewer charge per ERU.

N. Pre-existing septic systems within Phase II without valid septic tank/leach field permits.

1. A sewer connection shall be installed, the connection fee paid, and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of the Phase II Effective date.
2. On or about May 1, 2010, lot owners with existing structures within Phase II without valid septic tank/leach field permits will be sent a registered, return receipt requested letter from the Town instructing that lot owner to hookup to the new system.
3. Properties under this section shall begin to pay a readiness to serve fee per ERU as of the Phase II Effective Date which shall be equal to the base monthly sewer charge per ERU.

O. Pre-existing Septic Systems Within Phase II that are less than 15 years old.

1. When a septic tank/leach field reaches fifteen (15) years of age, a sewer connection shall be installed, the connection fee paid and the existing septic tank/leach field shall be properly abandoned within three hundred and sixty (360) days of the 15<sup>th</sup> anniversary of that septic tank/leach field's installation.
2. Beginning in calendar year 2010 and continuing every year thereafter, lot owners with existing structures in Phase II 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, on or about May 1 of that year, from the Town, instructing that lot owner to hookup to the new system.

3. 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 which shall be equal to the base monthly sewer charge per ERU.

#### **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, Phase I, those lots outside Phase I which are connecting to Phase I voluntarily, those lots in Phase II as well as those lots outside of Phase I and Phase II who are connecting voluntarily to Phase II. The cost of connection for non-residential users will be calculated as multiples of ERUs with a minimum purchase of one ERU, and shall be calculated in accordance with section III (A-E).

##### **2. RESERVED**

##### **3. Rebates**

Any lot owner with an existing septic tank in Phase II or outside of Phase I and Phase II who is voluntarily connecting to Phase II is eligible and may apply for a partial rebate on their connection fee, per ERU. In order to qualify for the rebate, the owner must submit a signed application to the Town Clerk on or prior to August 31, 2010.

3.1 Owners of lots in Phase II or outside of Phase I and Phase II who are voluntarily connecting to Phase II with septic systems older than 15 years, or those whose lots for whom no final record of inspection is available shall be entitled to receive a rebate of \$4,500 per ERU.

3.2 Owners of lots in Phase II or outside of Phase I and Phase II who are voluntarily connecting to Phase II with septic systems that are less than 15 years shall be entitled to receive a rebate of \$5,500 per ERU.

3.3 In order to obtain such rebates, and in addition to the requirements above, owners of lots in Phase II and those lots outside of phase I and II who are voluntarily connecting to Phase II, must begin paying the monthly readiness to serve fee beginning on September 1, 2010 and must continue to do so until actual connection is made. Payment of such readiness to serve fee shall continue until actual connection to the Town sewer is made.

3.4 Any property owner in Phase II, or property owner outside of Phase I and Phase II who is connecting voluntarily to Phase II, who takes advantage of the rebate shall properly abandon their existing septic tank/leach field and connect to the collection system within three years of August 31, 2010.

3.5 Property owners in Phase I who took advantage of the Phase I rebate were required, and must continue, to pay readiness to serve fees as of August 1, 2009 until actual connection to the septic system is made.

3.6 Should a user not connect to the sewer sanitation system within the times prescribed by this ordinance, and/or fail to pay readiness to serve fees 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. For those who fail to pay the amortization amounts when due, as set forth below, water service will be shut off in accordance with Section VI of this ordinance and the full amount amortized shall be accelerated and due within 30 days.

3.8 New construction will not be eligible for rebates.

#### 4. Amortization of Connection Fees

Any landowner within Phase II and those land owners outside of Phase I and Phase II who are connecting voluntarily to Phase II, 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 must be made by the lot owner by August 31, 2010 for Phase II (with amortization payments beginning the month thereafter);
- b) Connection to the sewer system must be completed by the relevant dates prescribed above;
- c) 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;
- d) 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 D;
- 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 and/or amortization 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 be eligible for rebates as set forth above and have their connection fees amortized as set forth above.

##### 5.1 Discounts for Social Service Organizations

There shall be no connection fee for the Social Service Organizations listed below and the monthly user fee shall be reduced by fifty (50) percent.

- A Alpine Library
- B Child Development Center
- C Alpine Civic Center

Other social service organizations, recognized as 501(c)(3) not for profit corporations, may petition the Town Council for a reduction in connection and monthly use fees and a reduction may be granted only upon a showing of a social benefit to the Town of Alpine and a governmental link or sponsorship.

- 6. RESERVED
- 7. Fee increases in connection and user fees are anticipated to 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 \$54.10/ERU

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

- A. 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.
- B. 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.
- C. The connection provided by the Town will include tap, saddle (if needed) and the pipe to the property line. The 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).

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

- 1. Sewer service piping shall be PVC Schedule 40 or PVC ASTM 3034 SDR 35 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 lines 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, campers and trailers, 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 change in direction greater than forty-five (45) degrees unless within forty (40) feet of building cleanout. Where more than one change in direction occurs in a run of piping, only one cleanout shall be required for each forty (40) feet of length.
  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. Where users have a plumbing fixture(s) below the elevation of the manhole cover of the next upstream manhole, the user shall install a backflow prevention device on the service line serving said fixture(s) 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.
- D. 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.

- E. 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 providing these requirements when the homeowner comes into pay his/her connection fee.

**F. 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. Filling of the septic tank with pit run, pea gravel, drain rock, sand or native soil; or
- e. 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.
- f. Property owners must have the abandonment of their tank inspected by the Town. Failure to do so could result in the landowner having to dig up their property at their expense to prove compliance with this section of the ordinance and the costs of such enforcement shall be passed on to the property owner.

- G. 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 service will be for the first full month after connection to the Town Sewer and shall be billed monthly thereafter and shall be subject to the penalties below.

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.

3 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 delinquency notice. If amounts are not paid by sixty (60) days from when first due, water will be disconnected with a notice provided ten (10) days prior to disconnection.

3.1 When service is disconnected pursuant to a disconnect notice for failure to pay amounts due on an account, service will be reinstated upon request by the property owner and payment of all past due amounts and late charges accrued, plus a thirty dollar (\$30) connection fee, plus payment for the months the service was disconnected as the bills represent not only use, but infrastructure costs.

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 may be disconnected from water service for a delinquency in payment of fees irrespective of the time of year.

4.1 Customers with special medical conditions may receive a special status known as "No Disconnect". To qualify for this special feature, the customer must provide the Town with a statement from their Doctor stating a medical reason that would require unconditional water service. Qualification for this exemption does not mean that you do not need to pay your water bill.

4.2 In the event that sewer fees, readiness to serve fees or amortization fees are not paid when due, the Town Clerk may make and file a lien on behalf of the Town for the amount due and within the time and manner provided for filing liens of mechanics and material men under the provisions of the law of the State of Wyoming, and such lien shall bind the premises in the same manner and to the same extent as such material men's and mechanic's liens are binding under the State law and shall be foreclosed in the same manner. Upon foreclosure thereof, costs shall in like manner be allowed or the Town may sue to recover the amount due from the person liable without filing a lien. In like manner a lien may be filed and foreclosed or suit brought to enforce the payment for any labor or material furnished or supplied by the Town.

5 A service fee of thirty-five dollars (\$35.00) 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.**

**All fees are non-refundable. There will be NO waiver of fees except as provided in Section IV (5 & 5.1). 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 sewer hook-up additional fees may be assessed on a case by case basis.

#### **Section X: Exemptions from Connection Criteria**

The above connection criteria shall not apply to properties in Phase I and Phase II with a demonstrated need (to the satisfaction of the Town Engineer) for a pump lift station as a result of an inability to connect to the sewer main line in the Town Right of Way at minimum slope required by then current IPC . Those properties that fall under this section shall still be required to pay the connection fees and readiness to serve fees as otherwise required in this ordinance. Said properties in Phase I and Phase II shall connect to the sanitary sewer system within ten (10) years of the Effective Date for Phase I or the Phase II Effective Date, as applicable, or once their septic system fails whichever occurs sooner. The