

197 – ORDINANCE NO. 2009-53

**AN ORDINANCE TO REPEAL AND REPLACE 186 ORDINANCE No. 2009 – 42, 156 ORDINANCE 2007-12 AND 105 ORDINANCE NO. 2004-02 TO ESTABLISH AN ORDINANCE REGULATING WATER CONNECTION FEES, WATER USAGE RATES, AND WATER 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**Section II: Ordinances Repealed.**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section III: Effective Date.**

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

**Section IV: New Connect Fees.**

**A water connection will be installed after the building application process has been completed, a building permit is issued, and all water connection fees have been paid in full.**

**A water connection will only be valid for one year from the date on which fees are paid in full. In the event that water connection has not been made within one year, an applicant must reapply and re-pay all fees in full.** Upon a timely written request to the Town Council, a one-time, one year extension may be granted by the Town Council upon a showing of good cause by the applicant why the connection has not been made and a one hundred dollar fee shall be charged for the extension permit. If there is a change in ownership of the property, the fees paid will be forfeited if the connection is not made within the time stated above. If there is no change in ownership, the fees paid will be credited against the then current fee when a connection is re-applied for.

Connection fees: ¾ inch     \$2,500.00

1 inch \$3,500.00

1 ½ inch \$4,500.00

2 inch \$7,000.00

The connection will include the actual tap, fittings, pipe, valves, meter and meter box. Any and all extra services and or parts while connecting to water will be at the owner's expense. (Labor, sand, gravel, backhoe use.) These items shall remain the property of the Town and access to this equipment is limited to authorized Town personnel or authorized agents of the town. Unauthorized access or tampering with this equipment is a class C misdemeanor and shall be punishable as provided in ORDINANCE 111-ORDINANCE NO. 2005-01, 111-02 in the Town Municipal Court Ordinance Book Number Three.

The Town will insist that any and all new businesses and or residences will have their own water meter. Each property shall have as a minimum one water pit per property. If a landowner wants to install more than one meter, it can do so at its expense.

The Town will place the meter box on Town right – of – way adjacent to owner's property line at a location agreed upon. All piping and valves past the meter box are the owner's responsibility and will be subject to the IPC and/or IBC codes. The owner will also provide a stop and waste valve within five feet of the property line. This should be marked adequately for year round visibility. (The consumer will save a turn off and turn on fee if they do not need the Town to shut off the water for a problem on their property).

#### **SECTION V: Water use and Billing**

##### **A. Water usage rates: The base rate for water will be as follows:**

¾ inch meter \$33.00/month up to 12,000 gal.

1 inch meter \$59.40/month up to 28,000 gal.

1 ½ inch meter \$132.00/month up to 72,000 gal.

2 inch meter \$231.00/month up to 132,000 gal.

The rate per 1000 gallons (or portion thereof) above the maximum usage shall be two dollars (\$2.00) per 1000 gallons.

Water sold on a temporary basis (such as uses from the spring fire hydrant –non chlorinated) will require a one hundred dollar (\$100.00) hook up fee and be sold at a

rate of \$2.00/1000 gal. This water will be metered or the consumer will be required to pay any additional cost of monitoring.

**B. Water billing and collection policy:**

1. **Beginning of Billing.** Billing for water will begin the first full month after installation of the meter, irrespective of use and bills shall be issued monthly thereafter
2. **Transfer of Service.** Where existing service is in place a transfer fee of twenty-five dollars (\$25) will apply and an application for water service will be required along with a deed to the property showing conveyance of the property, or a lease showing a term of more than six (6) months.
3. **Meter Reading.** The Town will attempt to read all meters from the latter part of April through October *weather permitting*. Town will bill all users monthly, based on the usage rate in **SECTION A**. The last reading of the year (not prior to October) will be used to compute the bills for the winter months. Once a spring reading has been taken, adjustments will be made based on the user's base rate and usage over and above that.
4. **Weeping.** There are end users that have been, or will be, asked by the Town of Alpine to keep their water running during the winter months due to freezing of water lines. These people will be notified separate and apart from the general reminder on water bills and their water bill will be adjusted accordingly if there is any overage.
5. **Billing Policy.** 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 later 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.
6. 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, 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.
7. **Voluntary Short Term Disconnect For Service.** A service fee of thirty dollars (\$30.00) will be charged for turning water on or off at the meter (this is unrelated to a disconnect fee for failure to pay amounts due). This would be a service provided so that a consumer could work on their system and would apply where the service is turned off for a period of up to three (3) weeks, base rates for water shall still be charged during any voluntary short term disconnect for service. Therefore, the requirement of a stop and waste valve on all new systems as stated in SECTION IV.

8. **Voluntary Long Term Disconnect/Re-connect.** Upon request by a consumer, the Town shall shut water service off to a property at the meter. The consumer will be charged 80% of the base rate for water during such time that water service is disconnected as base rates comprise water usage and infrastructure costs. The consumer shall also be charged a service fee of thirty dollars (\$30.00) plus all hard costs incurred by the Town in disconnecting/re-connecting water service to a property, i.e. backhoe time, etc.
9. **Returned Check Fee.** A service fee of thirty-five dollars (\$35.00) will be charged for all returned checks. This fee will be added to the users account or as determined by the Treasurer. Should a customer have three checks returned during one calendar year, that customer shall, for the six month period following notice of such requirement, pay all water bills in cash, a cashier's check, or a money order. After such six month period, the customer may begin paying water bills with personal checks again, subject to the limitations above.
10. **Adjustment for Leaks.** In the event that water consumption has significantly increased (more than 20% from past usage for that month) in a given billing period due to an undetected water leak, up to a fifty percent (50%) reduction in the usage charge for water may be given by the, Mayor, Town Council or its/their appointee provided that the customer provides written documentation that the leak has been repaired. In extreme circumstances through no fault of the owner, the Town Administrator may grant this reduction for the same location for not more than three (3) consecutive months. In the event that water consumption has significantly increased due to other catastrophic events, the Town appointee may authorize a recalculation of water usage. The amount of bill recalculation under this section shall be performed by utilizing an average of the previous three (3) years water usage for the same month to determine normal billing. If three (3) years of information is not available, three (3) years of available and comparable data will be used. The reduction may be granted for amounts of usage over the determined normal billing. In extreme circumstances, the Town appointee may grant this reduction for the same location for not more than three (3) consecutive months. Should a consumer be dissatisfied with the decision of the Town appointee, the consumer may appeal that decision to the Town Council. The Town Council's decision shall be final and binding.

#### **Section VI: Refunds / Waiver of Fees**

Subject to provisions of Section VB(10) and VB(4), all fees are non – refundable. There will be **NO** waiver of fees.

#### **Section VII: Additional Fees.**

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

**Section VIII: This ordinance passed and approved on the following dates:**

Passed on First Reading on the 17<sup>th</sup> day of November, 2009.

VOTE:   5   YES   0   NO   0   ABSTAIN   0   ABSENT

Passed on Second Reading on the 2<sup>nd</sup> day of December, 2009.

VOTE:   5   YES   0   NO   0   ABSTAIN   0   ABSENT

Passed and approved on the Third Reading on   15   day of   December   2009.

VOTE:   4   YES   0   NO   0   ABSTAIN   1   ABSENT -   Jorge  



SIGNED: Victoria Decora

VICTORIA DECORA, MAYOR

ATTEST: B. Bennett

BRENDA BENNETT, CLERK/TREASURER

ATTESTATION OF THE TOWN CLERK

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

I hereby certify that the forgoing Ordinance No. 197 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:

  
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BRENDA BENNETT, CLERK/TREASURER

