

207 – ORDINANCE NO. 2011-02

AN ORDINANCE TO REPEAL AND REPLACE PORTIONS OF # 204 ORDINANCE NO. 2010-06, 197 ORDINANCE 2009-53; AN ORDINANCE TO ESTABLISH A UNIFIED UTILITY BILLING PROCESS AND REQUIREMENTS. WATER CONNECTION FEES, WATER USAGE RATES, SEWER USAGE RATES AND WATER & SEWER BILLING AND COLLECTION POLICIES.

Be it ordained by the governing body of the Town of Alpine that the following shall regulate water system billing and collection policy 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 unenforceable 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Section II: Ordinances Repealed

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Including but not limited to: Section V (A) (B), VI of #197 Ordinance No. 2009-53 and Section VI (1-5) of #199 Ordinance No. 2010-01 and 204 Ordinance No. 2010-06 Section II, IV, V, VI (3)(4) Section VII (5).

Section III: Effective Date

This ordinance will establish an effective date at its passing on the third and final reading; all payments will begin on the first billing period after passing and approval of this Ordinance.

Section IV: New Connection 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	\$1,500.00
	1 inch	\$2,500.00
	1 ½ inch	\$3,500.00

2 inch \$6,000.00

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 Usage Rates

The base rate for water will be as follows for all sizes of active service connections:

\$18.00/month

The rate per 1000 gallons (or portion thereof) usage shall be one dollar and 50 cents (\$1.50) per 1000 gallons. Computed annually, billed at 1/12th monthly.

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 \$1.50/1000 gal. This water will be metered or the consumer will be required to pay any and all additional cost of monitoring.

SECTION VI: Readiness to Serve Fee

An annual readiness to serve fee of **\$18.00 per month**, (\$216.00 per year) will be charged to all vacant or unconnected platted lots within the Town of Alpine that have reasonable access to the water system. Lots which are actively connected to the water system will not be charged a readiness to serve fee in addition to the water usage rate.

SECTION VII: Sewer Usage Rates

1. Monthly User Fees

A fee increase in user fees is anticipated to be as follows:

- a. Fiscal Year 2010 \$36.00/ERU
- b. Fiscal Year 2014 \$41.70/ERU
- c. Fiscal Year 2019 \$48.30/ERU
- d. Fiscal Year 2025 \$54.10/ERU

2. Monthly User Fee Assessment - 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.

3. ERU Determination

- a. 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 a minimum of 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.
- b. The user fee will initially be based on the ERU allocation for which the connection fee is paid and will be due monthly. After two years of water usage has accumulated, actual water use shall determine the 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 user fees within one month of the two year anniversary referenced above. Thereafter, the monthly user fees shall be adjusted according to that newly arrived at ERU allocation based on actual water usage.
- c. 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.
- d. 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.
- e. Monthly user fees for expansions or remodels on an existing service shall be based on the new use.

Section VIII: Billing and Collection

Billing shall be in accordance with the rates set forth above and will be subject to the penalties below.

1. Beginning of Billing for Water Usage

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. Readiness to Serve Fee - Billing for readiness to serve fees shall be in accordance with the requirements set forth in this ordinance, the rates above and will be subject to the penalties below and shall be billed annually and shall begin the first month following the adoption of this ordinance.

3. Meter Reading - The Town will read all water meters one time per year. The Town will bill all users monthly, based on the usage rate in Section IV. The annual meter reading will be used to compute average monthly use and the monthly bills.

- 4. Billing Policy** – Bills for water and sewer (connection and readiness to serve fees) will be mailed to all customers no later than the fifth (5th) day of the following month due. Payment will be due on the twenty fifth (25th) of the month the bill is sent out. Payments received after the next billing cycle will be assessed a five dollar (\$5.00) late charge. At the next billing cycle, delinquent accounts will be sent a delinquency notice. If amounts due for water or sewer are not paid by sixty (60) days from when first due, water may be disconnected with a notice provided ten (10) days prior to disconnection.

Section IX: Disconnect Policies

- 1. Failure to Pay** - 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 of the base rate for the months the service was disconnected.
- 2. Winter Months** - The Town of Alpine will not disconnect water service for a delinquency in payment of water or sewer 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 water or sewer fees irrespective of the time of year.
- 3. Special Medical Conditions** - Customers with special medical conditions may receive a special status known as "No Disconnect". To qualify for this special status, the customer must provide the Town with a statement from their Doctor stating a medical reason that would require continued water service. Qualification for this status does not eliminate the requirement for payment.
- 4. 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.
- 5. 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 the readiness to serve fee during such time that service is disconnected. The consumer shall also be charged a service fee of thirty dollars (\$30.00) plus all actual labor, equipment and material costs incurred by the Town in disconnecting/re-connecting water service to a property, i.e. backhoe time, etc.

Section X: 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.

Section XI: 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 designated 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 Council or designated appointee may grant this reduction for the same location for not more than three (3) consecutive months.

Section XII: Transfer of Service

Where existing service is in place a transfer fee of twenty-five dollars (\$25) will apply and a transfer application will be required along with a deed to the property showing conveyance of the property.

Section XIII: 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 user's account or as determined by the Treasurer. Should a customer have three checks returned during one calendar year, that customer shall, for the next 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.

Section XIV: Renter Policy

The Town of Alpine will, at the written request of the property owner and with the consent of the renter, change the billing name and mailing address into a renter's name for billing purposes. However, the legal property owner is responsible for payment, as the accounts are tied to the property. Property owner will be notified when an account becomes delinquent, in accordance to the billing policy, Section VI (4).

Section XV: Liens

In the event that fees are not paid when due, the Town Treasurer 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.

Section XVI: 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 XVII: This Ordinance Passed and Approved on the Following Dates:

Passed on first reading this 5th day of July, 2011.

Vote: 4 yes, 0 no, 0 abstain, 1 absent (Councilman Donn Wooden Absent and Excused)

Passed on second reading this 19th day of July, 2011.

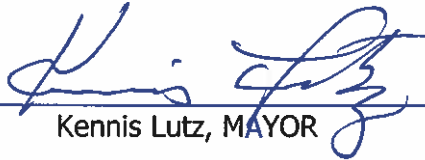
Vote: 4 yes, 0 no, 0 abstain, 1 absent (Councilman Donn Wooden Absent and Excused)

Passed on third reading this 2nd day of August, 2011.


Vote: 3 yes 0 no 0 abstain 1 absent



SIGNED:


Kenniss Lutz, MAYOR

ATTEST:


Pamela Poston, CLERK/TREASURER

ATTESTATION OF THE TOWN CLERK


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

I hereby certify that the forgoing 207 Ordinance No. 2011-02 shall be duly posted for ten (10) days in the Town Office.

I further certify that the foregoing Ordinance will be posted on the Town website in final form, upon its passing and approved by the Town Council as soon as is practicable.

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

ATTEST:


Pamela Poston, CLERK/TREASURER