

**ORDINANCE # 294**

**AN ORDINANCE REPEALING ORDINANCE # 199,206,215,221,251 and 256, AND ALL AMENDMENTS THERETO, ESTABLISHING THE MUNICIPALLY-OWNED WATER WORKS OF THE TOWN OF CHUGWATER, CHUGWATER, WYOMING, SETTING FORTH THE RATES, FEES AND COLLECTION FOR PAYMENT, DEPOSIT OF SERVICES, RATES AND PAYMENT OF TAP FEES, LIEN AND FORECLOSURE OF UNPAID WATER/SEWER BILLS,INSTALL AND MAINTAIN WATER METERS, PROVIDING REGULATIONS FOR CONNECTION TO THE TOWN WATER SUPPLY, RELIEVING THE TOWN FROM LIABILITY, PROHIBITING TAMPERING OR DESTRUCTION WITH THE TOWN'S WATER SYSTEM, SETTING FORTH THE DUTIES OF THE TOWN COUNCIL AND DIRECTOR OF PUBLIC WORKS AND DEFINING VIOLATIONS OF THIS ORDINANCE AND PENALTIES THEREFORE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF CHUGWATER, CHUGWATER WYOMING:**

Whereas, the Council for the Town of Chugwater, Chugwater Wyoming desires to protect the welfare, health and safety of the people of the Town of Chugwater, it is hereby declared to be in the public interest that the distribution of water and sewer within the Town, be regulated by the Town, and that uniform rates and charges be assessed therefor and set the amount of fees required for each account established for each parcel of property for water and sewer services.

**Section 1. Rates; Fees; and Procedures for Collection of Payment.**

- A. The Town Council for the Town of Chugwater has the authority to establish, by resolution from time to time, rates for water consumption, costs, and services incidental to the operation of the water and sewer works system.
- B. Each water/sewer user within the Town of Chugwater shall be assessed the following monthly rates and charges for water and sewer used.
- C. Water Rates for Residential Users:

**Water Rate (per one thousand gallons) per month**

**Base Rate- \$16.75 (first 1000 gallons) for 2015-16 year, \$1.50 increase per year every year thereafter**

**\$1.80 per one thousand (used above the first 1000 gallons)**

**Sewer Rate- \$10.00 per month, \$1.00 increase per year every year thereafter**

- D. Small Business:

**Water Rate (per 1000 gallons) per month**

**Base Rate- \$24.00 (first 1000 gallons) for 2015-16, \$2.00 increase per year every year thereafter**

**\$2.00 per one thousand (used above the first 1000 gallons)**

**Sewer Rate- \$11.00 per month for 2015-16 year, \$2.00 increase per year every year thereafter**

E. Large Business:

**Water Rate (per 1000 gallons) per month**

**Base Rate- \$53.00 (first 1000 gallons) for the 2015-16 year, \$3.00 increase per year every year thereafter**

**\$2.20 per one thousand (used above the first 500 gallons)**

**Sewer Rate- \$52.00 (first 60,000 gallons) , \$77.00 (60,001-85,000 gallons), \$102.00 (85,001-110,000 gallons) and \$125.00 (110,001 + gallons) per month for 2015-16 year, \$3.00 increase per year every year thereafter**

F. Empty Lots, Vacant Property:

1. Property where the water is shut off will be accessed a Meter and Maintenance Fee for each tap. The fee will be seventeen dollars (\$17.00) for water, and five dollars (\$5.00) for sewer for the year 2015-16. Increase of three dollars (\$3.00) for water and two dollars and fifty cents (\$2.50) for sewer ever year after.
2. Property with water on and no usage of water/sewer will pay the same as an empty lot or vacant lot.

G. Trailer Courts: when attached to the same tap, will be billed to the property owner based upon the total number of gallons consumed as measured by the master meter installed on the main water line.

H. RV Parks: when attached to the same tap, will be billed to the property owner based upon the total number of gallons consumed as measured by the master meter installed on the main water line.

I. Closed RV/Trailer Parks: At any time an RV Park or Trailer Park is closed for any reason the owner will be assessed a meter/maintenance fee charge of seventeen dollars (\$17.00) per month for water, and a five dollars (\$5.00) for sewer. Increases of three dollars (\$3.00) for water and two dollars and fifty cents (\$2.50) for sewer after the first year.

J. All monthly water/sewer/trash bills are due and payable by the property owner on or before the 25<sup>th</sup> day of each month by 4:00 p.m., (2:00 p.m. if the 25<sup>th</sup> falls on a Friday) following that month in which the service was rendered, at the expiration of which time unpaid bills shall be deemed delinquent.

- K. All monthly bills will contain a statement informing the right to dispute the amount of the water charge by contacting the Town Treasurer in writing, specifying the factual basis of the dispute by the tenth (10<sup>th</sup>) day of the month. If the Town Treasurer is contacted in accordance with the provisions of the statement, the Town Treasurer and the Water/Sewer Director, shall determine the specific amount owed, if any. If it is determined the water billing is correct, the Town shall give written notice of such findings, together with notification that unless the billing is paid by the end of business on twenty-fifth (25<sup>th</sup>) , water service will be turned off.
- L. A service charge equal to ten percent (10%) of the monthly bill will be assessed on all delinquent accounts on the twenty-fifth (25<sup>th</sup>) day of the month.
- M. Unless prior payment arrangements have been made with the Town Treasurer, water will be shut off to the property. A turn-on fee, plus all outstanding charges for water service, service charges, and administrative collection fees incurred in collecting delinquent accounts, must be paid before service is restored.
- N. If water/sewer payment is not paid by end of business on the twenty-fifth (25<sup>th</sup>) of the month, a letter of water disconnect will be mailed to the resident/owner notifying the Town's intent to turn off water in five (5) days. Notice of intent to turn off the water is deemed to have been accomplished if:

A notice is deposited in the US mail with sufficient postage affixed, addressed to the

- 1. A notice is deposited in the US mail with sufficient postage affixed, addressed to the property owner at the address for billing purposes, and/or
- 2. A notice is deposited in the US mail with sufficient postage affixed, addressed to the occupant of the premises at the address for billing purposes.

- O. Turn-On, Turn-Off fees to Establish an Account, Transfer an Account, or Placing an Account on Inactive Status
  - 1. Turn-On Fee will be charged for every water turn-on of \$25.00.
  - 2. A meter pull fee of one hundred dollars (\$100.00) per tap when meter is requested by property owner to be taken out.
  - 3. A meter install fee of one hundred (\$100.00) per tap when a meter is requested by property owner to be installed.
  - 4. To Transfer an account, owner of property needs to fill out request form with the Town Treasurer.
  - 5. To place an account on Inactive Status, property owner needs to fill out request form with the Town Treasurer.

A work order shall be issued by the Town Clerk or Town Treasurer upon payment of the required turn-on/turn-off fee authorizing the Town of Chugwater to turn-on/turn-off the water service.

P. Administrative Collection Fees:

1. Notice of Intent to File Lien: Twenty-Five dollars (\$25.00) or current fee set by the Platte County Clerk Office.
2. File Lien Statement: Thirty five Dollars (\$35.00) or current fee set by the Platte County Clerk Office.

Q. Meter/Maintenance Fee:

1. A minimum monthly fee of seventeen dollars (\$17.00) for water, and five dollars (\$5.00) for sewer, for the purpose of meter/maintenance fee, shall be accessed for all residential, small business, large business, RV parks, mobile home parks. **This fee will be charged only to the above property that is not being charged for monthly water/sewer use.**
2. Monthly water/sewer rates shall increase every year until a reserve amount of five hundred thousand dollars (\$500,000.00) is achieved for infrastructure upgrade expense.
3. The water and sewer increases will be effective as of November 2015, and will increase every year in November.
4. The \$150,000.00 CD account is hereby marked for Water/Sewer Infrastructure Only. The Water and Sewer Account (Savings Non-CD Account) will hold any and all overages collected monthly from the water and sewer bills after expenses. At CD maturity, the Town Council will decide the dollar (\$) amount to be placed into the CD Account.
5. The Town Council may repeal or amend this ordinance at any time they determine revenue short-falls have been recovered, or at any time it may be in the best interest of the Town.

**Section 2: Deposit for Services**

- A. The Town of Chugwater shall establish an account for each parcel of property to which water/sewer/trash service is provided. All accounts shall be carried in the name of the property owner, tenant, purchaser or lessee (collectively referred to as "occupant") of each parcel of property. A security payment for each account established, in the amount of eighty dollars (\$80.00) of which seventy dollars (\$70.00) will be for water service and ten dollars (\$10.00) will be for sewer service, is required and shall be made payable to the Town of Chugwater. The deposit may be applied to the account at the time of turning off services and

any other amounts, other than criminal fines assessed by the Municipal Court, owed to the Town, regardless of the nature of the indebtedness.

- B. Upon the property owner, tenant, purchaser or lessee (collectively referred to as “occupant”) moving, selling of property, or passing away, the deposit minus any fees will be returned to such person that paid the deposit, or next of kin in case of a death.

**Section 3: Rates and Payments of Tap Fees**

- A. The Town Council has the authority to establish by ordinance tap fees for connecting to the water main. The cost of installing the tap shall be paid to the Town of Chugwater and a work order issued by the Town Clerk prior to making any connection whatsoever to the water main. The work order shall be issued for a specific person on a specific property which may be described by street address and shall not be transferable to other property nor to another person. No water service shall be provided until water tap fee is paid in full.
  
- B. After payment of water tap fee and issuance of work order, the Towns’ Water /Sewer Director will issue a work permit, upon inspection by the Water/Sewer Director. The Water/Sewer Director can request a qualified license plumber to inspect work, if deemed necessary and will be paid by the resident or business owner.
  
- C. The Town of Chugwater will tap the water main, run the lateral water line from the water main to the property line and install a meter and curb stop. All materials and fixtures required to bring water service to the curb stop, as well as the water meter, shall be furnished by the Town. Thereafter, the property owner shall be responsible for running and connecting water service from the water meter into his property.
  
- D. The tap fees are as follows:
  - 1. One Thousand dollars (\$1,000.00) for a single residential or commercial connections not exceeding three quarters of one inch (3/4”) in diameter.
  - 2. One thousand dollars (\$1,000.00) for the first unit plus fifty dollars (\$50.00) per unit for each additional unit for multiple unit residential or commercial connections not exceeding three quarters of one inch (3/4”) in diameter.
  - 3. Two thousand dollars (\$2,000.00) for single residential or commercial connections exceeding three quarters of an inch (3/4”) but not exceeding two inches (2”) in diameter.
  - 4. Two thousand dollars (\$2,000.00) for the first unit plus fifty dollars (\$50.00) per unit for each unit for multiple unit residential or commercial connections exceeding three quarters of an inch (3/4”) but not exceeding two inches (2”) in diameter.

5. For any residential or commercial connection exceeding two inches (2") in diameter, the tap fee shall be negotiated between the applicant and the Town Council in advance, taking into account conditions existing at the time of the application, the ability of the waterworks system to furnish the amount of water required by the applicant, additional administrative expenses that might be incurred by the Town, the costs of labor and materials to complete the tap, and any and all other factors that may reasonably be expected to result in additional financial burden to or necessitate additional capital expenditures from the Town.

6. The water tap fee for multiple units, whether residential or commercial, including trailer courts, RV parks, when attached to the same tap, shall be fifty dollars (\$50.00) for the first unit and an additional twenty-five dollars (\$25.00) for each additional unit plus labor and materials necessary and charged by the Town for tapping the water main and extending water service to the curb stop at the property line and installation of a water meter and curb stop, plus twenty-five percent (25%) of the total cost of labor and material charged.

7. After tapping fee is complete, the total charge shall be finalized. The balance of the fee due to the Town within ten (10) calendar days of billing by the Town and becomes delinquent and subject to a ten percent (10%) service charge if not paid by the twenty-first (21<sup>st</sup>) day after billing. No water service shall be provided until the tap fee is paid in full. If there has been an overpayment for the estimated tap fee, the Town shall refund the balance.

8. Any resident or business owner requesting the cancellation of their tap connection will pay the Town of Chugwater a fee of \$2,000.00 before such disconnection can be made.

6

**Section 4. Unpaid Water/Sewer Bills, Tap Fees to Become Lien on Property - - Foreclosure of Unpaid Bills and Fees**

- A. Any account which is delinquent for twenty-six (26) calendar days or more shall be subject to a lien upon the property after the following steps have been taken:
1. The Town of Chugwater shall give ten (10) calendar days' notice, in writing to the property owner at the address for water billing purposes, if its intent to file a lien against the property. Such notice shall reasonably describe the property and set forth the amount claimed by the Town. The street address shall be sufficient to describe the property in the notice.
  2. After expiration of the ten (10) day notice, the Town shall file a lien statement, properly acknowledged and containing a true legal description of the property, in the Office of the County Clerk and Ex-Officio Register of Deeds, Platte County, Wyoming.
  3. Upon filing of the lien statement, the lien shall be considered a lien on the property for all purposes.

- B. Any such lien may thereafter be foreclosed by appropriate action in a court of competent jurisdiction or in the manner provided by law for the foreclosure of a mortgage by advertisement and sale as set forth in Wyoming Statutes as amended from time to time.
  
- C. The Town may, at its option, concurrently pursue turning off water service to the property and establishing a lien. These remedies are cumulative, not elective. In addition, the Town may, at its option, pursue collection of the debt in any manner allowed by law at any time after a bill becomes delinquent.

**Section 5.**

**Water Meters**

- A. All such water meters are owned and belong to the Town of Chugwater.
  
- B. At any time the Town has cause to believe a water meter is malfunctioning in any respect, the Town shall repair or replace the meter as soon as practicable. Such replacement or repairs are at the expense of the Town, unless resulting from abuse or tampering by the property owner, tenant, purchaser or lessee. The Town may turn off water service to any person refusing to permit the Town to repair or replace a meter. In the event of a dispute regarding malfunction, the Town shall have the meter tested for operation and calibration with a prevailing party to the dispute to pay all charges and expenses incurred in testing the operation and calibration of the meter.
  
- C. All meters shall be maintained by the Town of Chugwater, and shall be tested and repaired as necessary. The cost of repairs resulting from neglect, abuse or tampering shall be paid by the property owner, tenants, purchaser or lessee, and added to and considered a part to the charge for water service.
  
- D. Each building, dwelling (whether single family or multiple family) or other structure receiving water from the Town, shall be served only one meter unless approval has been obtained from the Town Council for more than one meter.
  
- E. For those buildings or dwellings which house different entities or families and who will be receiving water through the meter, it shall be up to those persons or entities to determine amongst themselves how the charges will be paid.
  
- F. Any building or dwelling housing more than one business or family, may be terminated from water service for failure to pay, as set forth herein, regardless of the fact that more than one business or family may be receiving water through the meter to be shut off.

- G. No tap or pipe shall be connected with any water main or water service line installed by the Town, ahead of any meter which would allow water to be used which is not metered. In the event any said pipe or connection is made of a meter, the Director of Public Works is authorized, in addition to the other penalties provided for in this ordinance, to immediately remove such tap or connection at the expense of the person or entity who installed it.

**Section 6. Construction, Excavation, Authorized Persons**

- A. Whenever a person or entity is engaged in any type of excavation construction or tapping of a Town water line, which will involve, either directly or indirectly, the Town's water work system, such works shall be conducted under the supervision of the Director of Public Works. No person performing any work involving the Town's water system shall turn water into any service pipe, except after the issuance of the water permit, unless the introduction of water is solely for the purpose of testing pipes and appurtenances.

**Section 7. Water not to be supplied to other inhabitants**

- A. No inhabitant of the Town of Chugwater, who is receiving water from the Town's water work system, shall in any way or manner supply said water from his premises to the premises of another town inhabitant. No person shall employ any plumber or other person to make any tap or connection with the water being supplied to an inhabitant of the Town upon the premises being served, for the purpose of altering, extending or attaching thereto, without the receipt of a permit from the Director of Public Works.

**Section 8. Depth of Water Lines, Installation of Stop Cocks and Valves, Shut offs Inside Buildings**

- A. All water lines installed by private parties, to connect to the Towns' water system, shall be laid at the same depth as the Towns' main to which the connection is made, unless otherwise requested by the Director of Public Works. In all cases, the depth of water pipes shall be at such depth as to protect them from rupture by freezing.
- B. Every service line shall be provided with a stop cock or other valve mechanism for each habitant who is receiving water, which shall be installed in the meter pit and be so situated that the water to the inhabitant can be conveniently shut off and secured.
- C. There shall be a stop cock or other valve attached to every service line at a point in the building or facility being served, so as to permit water supply to that building or facility to be shut off and to allow drainage of that inhabitant's water system.

**Section 9. Hydrants, Individual Fire Mains, Use of Hydrants**



- A. No hydrant or other access to the Towns' water system shall be installed upon any municipally-owned property or any easements or right-of-way held for municipal purposes, except by the Town itself, which hydrant shall be for public purposes. Town may place fire hydrants at such points in the municipality-owned property and/or easements and right-of-way, as the Mayor and Council may deem necessary and appropriate.
- B. If habitants of the Town of Chugwater who are using water supplied by the Town water works so desire, they may apply to obtain a permit from the Director of Public Works, in accordance with section 5, to lay large pipes with hydrants and hose couplings to be used only in case of fire and will be allowed to connect with street mains at their own expense, and under the direction of the Director of Public Works, but will be allowed to use said water for fire purposes only, free of charge.
- C. No tanker truck, or vehicles that carry water are allowed to take water from the Towns' hydrants without a permit paid to the Town Clerk/Treasurer, before the permit can be issued by the Director of Public Works.
- D. Any person or persons using a tanker or vehicle that carries water, with the intent to take water from any hydrant in the Town of Chugwater, without a permit from the Town of Chugwater can and will be fined \$700.00 per occurrence.

**Section 10. Town not Liable for Damage**

- A. The Town of Chugwater shall not be liable, or responsible for any damage caused to any boilers, plumbing, pipes, fixtures or other appurtenances located on private property, which are used to provide water to that property. The Town shall not be liable for such damage, even if such damage is caused, directly or indirectly, by the activities or inaction of the Town in controlling, maintaining and operating the water works system of the Town.

**Section 11. Use of Private Wells by Residents**

- A. No resident of the Town of Chugwater, who is receiving water service from the Towns' water work system, shall connect a system to a private well, unless he has applied for a permit, and has received a permit to do so from the Director of Public Works. In no event shall a resident's system be connected to both a private well and the Towns' water works system, unless and until double check valves are installed in the residents system so as to prevent water from entering the Towns' system from the private well, and also preventing water from the Towns' system from entering the private well. Such check valves may only be installed under supervision of the Director of Public Works.

**Section 12. Penalties**

- A. Any person or entity violating any of the provisions of this ordinance shall be cited before the municipal judge of the Town of Chugwater and upon conviction thereof, shall be deemed guilty of a misdemeanor and may be fined an amount not to exceed \$500.00 for each offense. For the purpose of this ordinance, each day that the inhabitant continues with an action or inaction which is in violation of this ordinance after receiving notice of that violation, shall constitute a separate and distinct offense.

**Section 13. Director of Public Works**

- A. The Director of Public Works shall be appointed by the Mayor with the consent of the Council, by a majority vote. He/She shall have such experience as shall be necessary for the faithful performance of the duties of this office, as hereinafter set forth. The Director of Public Works shall also obtain, prior to his appointment, a Class 1, Wastewater and Water Certification. The Director of Public Works shall not be charged with handling of money on behalf of the Town, and therefore shall not be required to execute a bond for the faithful performance of his duties.
- B. The Director of Public Works shall have supervision over the Towns' water system. The Director of Public Works shall issue permits, previously paid to the Town Treasurer, and shall supervise any and all construction pursuant to which the Towns' water system may be affected in any way. The Director of Public Works shall see to it that the water works system of the Town is properly maintained and in good working order and repair. The Water/Sewer Director and Back-Up Water employee(s) are responsible for all water shortages. If any shortage occurs the Director must include with his/her monthly report as to: 1. Amount of shortage, 2. Cause of shortage, 3. How to resolve the issue. The Director is responsible to investigate any residential or business that has excessive water overages on a monthly basis. All findings to be attached to the Directors monthly report to be reviewed by Council.
- C. The Director of Public Works and Back-Up water/sewer employee will take classes as needed to be re-certified each year as required by the State of Wyoming. The Town of Chugwater will pay for all training required by the State of Wyoming for water/sewer employees.

**Section 14. Chugwater Town Council**

- A. The Town Council will be over all responsible for the water and sewer system for the Town. It is required for at least one (1) council member, or one other employee of the Town to attend classes for the purpose to understand the basics of water shut-off in case of a natural disaster where a water/sewer operator is not available.

This ordinance shall be in full force and effective from and after its approval, passage and adoption.

This ordinance does not affect prosecution for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

PASSED ON FIRST READING this: **3<sup>rd</sup> day of August , 2015**

PASSED ON SECOND READING this: **8<sup>th</sup> day of September, 2015**

PASSED, APPROVED AND ADOPTED ON THIRD READING this: **5<sup>th</sup> day of October, 2015**

TOWN OF CHUGWATER

11

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LaDonna Sand, Mayor

ATTEST:

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Linda Webster, Town Clerk

**ATTESTATION**

I, Linda R. Webster, Town Clerk of the Town of Chugwater, Chugwater Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming law were complied with.

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Linda R. Webster,  
Town Clerk

