

ORDINANCE 355

AN ORDINANCE AMENDING SECTIONS 13.04.030, 13.04.040, 13.04.050, 13.04.060, 13.04.100 OF THE HANNA MUNICIPAL CODE AS TO WATER CONSUMPTION RATES AND PROCEDURE FOR COLLECTION.

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

Whereas, the Council for the Town of Hanna, Wyoming (Town) desires to set the amount of the fees required for each account established for each parcel of property for water services.

Section 1. Section 13.04.030 of the Hanna Municipal Code is hereby amended to read as follows:

13.04.30 Rates; Fees; and Procedures for Collection of Payment.

A. The Town Council has the authority to establish, by resolution from time to time, rates for water consumption, costs, and services incidental to the operation of the waterworks system.

B. Rates for Residential Users:

Water Usage (gallons)	Water Rate (per one thousand gallons)
0000 to 7,000	\$35.00 (base rate)
7,001 to 14,000	\$1.13
14,001 to 21,000	\$1.30
21,001 to 28,000	\$1.49
28,001 to 35,000	\$1.71
35,001 to 42,000 plus	\$1.97
Minimum charge of \$35.00 per month.	

C. Commercial, Industrial and School Users:

Water Usage (gallons)	Water Rate (per one thousand gallons)
0000 to 7,000	\$35.00 (base rate)
7,001 to 14,000	\$1.13
14,001 to 21,000	\$1.30

21,001 to 28,000	\$1.49
28,001 to 35,000	\$1.71
35,000 to 42,000 plus	\$1.97
Minimum charge of \$35.00 per month.	

- D. 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 a master meter installed on the main consumer line. Trailer courts will also be billed ten dollars (\$10.00) per month per active unit for a maintenance fee.

- E. Multiple units, when attached to the same tap, will be billed to the property owner based upon the total number of gallons consumed as measured by a master meter installed on the main consumer line. Multiple units will also be billed ten dollars (\$10.00) per month per active unit for a maintenance fee.

- F. Bulk Rate for Water from Town Wells:
 - 1. Thirty-five dollars (\$35.00) for the first ten thousand (10,000) gallons of water or less from the well, and two dollars (\$2.00) for every one thousand (1,000) gallons thereafter.

 - 2. If the Town of Hanna has to provide a pump for the well:

Fifty dollars (\$50.00) for the first ten thousand (10,000) gallons or less of water from the well, and three dollars (\$3.00) for every one thousand (1,000) gallons thereafter.

 - 3. For Processed Water there will be a five hundred dollar (\$500.00) refundable deposit required, along with the following fees:
 - a. For processed water that comes from the old well house behind the one million gallon tank, the charge will be eight dollars (\$8.00) per one thousand gallons.

 - 4. Bulk water shall be distributed only through the wells designated by the Town, including but not limited to, the well located behind the County's Fire Station which is at the corner of Front St. and Clark St.

- G. All monthly bills shall be due and payable by the property owner on or before the tenth (10th) day of the month following that in which the service was rendered, at the expiration of which time unpaid bills shall be deemed delinquent.

- H. All monthly bills will contain a statement informing of the right to dispute the amount of the water charge by contacting the Town Clerk in writing, specifying the factual basis of the dispute by the twentieth (20th) day of the month. If the Town Clerk is contacted in accordance with the provisions of the statement, the Town Clerk, or some other individual designated by the Town Clerk as an employee empowered to resolve the dispute, 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 finding, together with notification that unless the billing is paid within five (5) days subsequent, water service will be turned off.
- I. A service charge equal to ten percent (10%) of the monthly bill will be assessed on all delinquent accounts on the twenty-first (21st) day of the month.
- J. Unless prior payment arrangements have been made with the Town Clerk, a turn off fee will be charged if water service is discontinued for any reason, including delinquency. A turn-on fee, plus all outstanding charges for water service, service charges, and administrative collection fees incurred in collecting delinquent accounts and the turn off fee, must be paid before service is restored.
- K. At any time an account has been delinquent for ten (10) or more calendar days, water service may be turned off to the property upon five (5) calendar days' notice of the Town's intent to turn off the water. Notice of intent to turn off the water is deemed to have been accomplished if:
 - 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.
- L. Turn-on and Turn-off fees to Establish an Account, Transfer an Account, or Placing an Account on Inactive Status
 - 1. Turn off by the Town of Hanna: ten dollars (\$10.00)
 - 2. Turn off by any person, firm or corporation other than the Town of Hanna: fifty dollars (\$50.00)
 - 3. Turn on by the Town of Hanna: ten dollars (\$10.00)
 - 4. Turn on by any person, firm or corporation other than the Town of Hanna: fifty dollars (\$50.00)
 - 5. A meter pull fee of sixty-five dollars (\$65.00) per tap when meter is requested by property owner to be taken out.

6. A meter install fee of sixty-five dollar (\$65.00) per tap when meter is requested by property owner to be installed.

A work order shall be issued by the Town Clerk upon payment of the required turn-on/turn-off fee authorizing either the Town of Hanna or a person, firm or corporation other than the town, to turn on/turn off the water service.

M. Administrative Collection Fees:

1. Notice of Intent to File Lien: fifteen dollars (\$15.00)
2. File Lien Statement: twenty five dollars (\$25.00)

N. Meter/Maintenance Fee:

1. A minimum monthly fee of ten dollars (\$10.00) being the meter/maintenance fee, shall be assessed for all residential, commercial, and industrial properties with meters and lines up to:

5/8"	meter and lines	\$10.00
1"	meter and lines	\$15.00
1 1/2"	meter and lines	\$22.50
2"	meter and lines	\$30.00
3"	meter and lines	\$45.50
4"	meter and lines	\$60.50

2. Said monthly water rates shall increase a minimum of 2.5 % per year until reserve amount of two hundred fifty thousand dollars (\$250,000.00) is achieved for infrastructure upgrade expenses.
3. The Town Council may repeal or amend this ordinance at any time they determine revenue shortfalls have been recovered, or at any time it may be in the best interest of the Town.

Section 2. Section 13.04.040 of the Hanna Municipal Code is hereby amended to read as follows:

13.04.040 Deposit for Service.

The Town of Hanna shall establish an account for each parcel of property to which water 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 ninety dollars (\$90.00) of which seventy dollars (\$70.00) will be for water service and twenty dollars (\$20.00) will be for the sewer service, is required and shall be made payable to the Town of Hanna. The deposit may be applied to the account at the time of the turning off of services and to any other amounts, other than criminal fines assessed by the Municipal Court, owed to the Town, regardless of the nature of the indebtedness.

Section 3. Section 13.04.050 of the Hanna Municipal Code is hereby amended to read as follows:

13.04.50 Rates and Payment 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 Hanna 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 the water tap fee is paid in full.
- B. After payment of the water tap fee and issuance of a work order, the Town of Hanna 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 curb stop into his property.
- C. The tap fee is as follows:
 - 1. Fifteen hundred dollars (\$1500.00) for single residential or commercial connections not exceeding three quarters of one inch (3/4") in diameter.
 - 2. Fifteen hundred dollars (\$1500.00) 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. Three thousand dollars (\$3000.00) for single residential or commercial connections exceeding three quarters of one inch (3/4") but not exceeding two inches (2") in diameter.

4. Three thousand dollars (\$3000.00) for the first unit plus fifty dollars (\$50.00) per unit for each additional unit for multiple unit residential or commercial connections exceeding three quarters of one 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 an 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, 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 the labor and materials charged.
7. After the tapping is complete, the total charge shall be finalized. The balance of the fee is 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 (21st) 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.

Section 4. Section 13.04.060 of the Hanna Municipal Code is hereby amended to read as follows:

13.04.060: Unpaid Water Bills and 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 Hanna shall give ten (10) calendar days' notice, in writing, to the property owner at the address for water billing purposes, of 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.

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, Carbon County, Wyoming.
 - 2. Upon the 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 the 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. Section 13.04.100 of the Hanna Municipal Code is hereby amended to read as follows:

13.04.100: Water Meters.

- A. All such meters are owned and belong to the Town of Hanna.
- B. 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 neglect, 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. From and after the effective date of this section, the Town of Hanna shall furnish and install the water meters for all new taps, the cost of which is included in the tap fee established in Section 13.04.050.
- D. From and after November 1, 1998, the Town of Hanna will provide water service only to that property with a radio read meter. Upon the failure to have a radio read meter, the Town of Hanna may turn off water service until such time as the meter is installed.
- E. All meters shall be maintained by the Town of Hanna, 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.

Section 6. This ordinance shall be in full force and effective from and after its approval, passage and adoption.

Section 7. 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 12th day of February, 2013

PASSED ON SECOND READING this 14th day of March, 2013

PASSED, APPROVED AND ADOPTED ON THIRD READING this 9th day of April, 2013

TOWN OF HANNA

MAYOR, Tony D. Poulos

ATTEST:

TOWN CLERK/TREASURER
Vivian A. Gonzales

ATTESTATION

I, Vivian A. Gonzales, Town Clerk/Treasurer of the Town of Hanna, 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.

VIVIAN A. GONZALES,
TOWN CLERK/TREASURER