

EMERGENCY ORDINANCE NO. 362

AN EMERGENCY ORDINANCE AMENDING SECTION 13.04.030 OF THE HANNA MUNICIPAL CODE CLARIFYING WATER CONSUMPTION RATE INCREASES.

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

Whereas, on April 9, 2013, the Council for the Town of Hanna, Wyoming (Town) enacted Ordinance 355 amending Sections 13.04.030, 13.04.040, 13.04.050, 13.04.060, 13.04.100 of the Town Municipal Code as to Water Consumption Rates and Procedure for Collection.

Whereas, Section 13.04.030 of the Town Municipal Code inadvertently included automatic water rate increases for meter/maintenance fees instead of residential, commercial, industrial and school users.

Whereas, the Town's budget and expenditures for water infrastructure upgrades relied upon the annual automatic water rate increase for residential, commercial, industrial and school users and for the welfare of the Town, the automatic water rate increase is necessary;

Whereas, in accordance Wyo. Stat. § 15-1-115, Town Council has the authority to enact an emergency ordinance with the affirmative vote of three-fourths (3/4) of the qualified members of the governing body.

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

Section 13.04.030 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 accessed 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

- O. Monthly water rates for residential, commercial, industrial and school users 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.

- P. 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. This ordinance shall be adopted pursuant to the emergency ordinance provisions of Wyo. Stat. § 15-1-115 which requires the approval of at least 3/4 of the qualified members of the governing body.

Section 3. The purpose of this emergency ordinance is to protect the health, safety, and general welfare of the people within the Town by funding of Town expenditures for improvement of water infrastructures previously budgeted.

Section 4. **Repealer.** All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 5. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person or circumstances 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 6. 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.

Section 7. This ordinance shall become effective after passage, approval and publication.

PASSED AND APPROVED THIS 22ND DAY OF JULY, 2014.

Tony D. Poulos, Mayor

ATTEST:

Vivian Gonzales, Town Clerk

ATTESTATION

I, Vivian Gonzales, the Clerk 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 State law were complied with.

By: _____
Vivian Gonzales, Town Clerk