

Title 25

**WATER AND ELECTRICITY**

**Chapter 1. In General**

- Sec. 25-101. Definitions.
- Sec. 25-102. Reservation of rights by Town.
- Sec. 25-103. Promulgation of rules and regulations.
- Sec. 25-104. Agreement to rules and regulations prerequisite to commencement of service.
- Sec. 25-105. Records and reports of administrative official.
- Sec. 25-106. Fire hydrants—Repair; testing.
- Sec. 25-107. Fire hydrants—Opening or operating.
- Sec. 25-108. Property damage.
- Sec. 25-109. Property interference.
- Sec. 25-110. Depositing material in utility which will obstruct, pollute, etc.
- Sec. 25-111. Restrictions on use.
- Sec. 25-112. Discontinuance of service; failure to comply with regulations.
- Sec. 25-113. Extension outside corporate limits—Authority of Town Council.
- Sec. 25-114. Extension outside corporate limits—Required findings prerequisite.
- Sec. 25-115. No interference allowed; damages.
- Sec. 25-116. Misrepresentation, misuse, and unlawful furnishing of water to others.
- Sec. 25-117. Unlawful during fire alarm or fire to use water for fountains, etc.
- Sec. 25-118. License does not entitle one to use water for street sprinkling.
- Sec. 25-119. Tampering with fire hydrant, main, meter prohibited.
- Sec. 25-120. Discontinuance or vacancy.
- Sec. 25-121. Notice of shutting off water boilers.
- Sec. 25-122. Contractor or builders must take out permit for new construction.
- Sec. 25-123. Inspection and investigation may be made at reasonable hours.
- Sec. 25-124. Violation and penalty.

**Chapter 2. Connections**

- Sec. 25-201. Only Town employees allowed to turn on water to premises; exception; special service charges.
- Sec. 25-202. Unauthorized taps; compliance with permit; cost.
- Sec. 25-203. Permit required.
- Sec. 25-204. Permit application.
- Sec. 25-205. Permit issuance; contents.
- Sec. 25-206. Payment of charges.
- Sec. 25-207. All plumbing to be inspected and approved.

**Chapter 3. Service Lines**

- Sec. 25-301. Installation to be by licensed plumber; written permission prerequisite.
- Sec. 25-302. Installation costs generally.
- Sec. 25-303. Installation required prior to paving streets.
- Sec. 25-304. Material specifications.
- Sec. 25-305. Minimum size.
- Sec. 25-306. Required depth.

## MOORCROFT CODE

- Sec. 25-307. Replacement where materials unsuitable.
- Sec. 25-308. Approval of replacement services.
- Sec. 25-309. Extension to more than one property.
- Sec. 25-310. Maintenance.
- Sec. 25-311. Disconnecting service from premises.
- Sec. 25-312. Location of cock.
- Sec. 25-313. Cock to be near curb.

### **Chapter 4. Meters and Appurtenances**

- Sec. 25-401. Costs.
- Sec. 25-402. Testing, approval and adjustment prior to installation.
- Sec. 25-403. Frostproof vaults required.
- Sec. 25-404. Costs for frostproof vaults, risers, etc.
- Sec. 25-405. Maintenance and testing.
- Sec. 25-406. Tampering, interfering, etc.
- Sec. 25-407. Replacement of meter; fastening cost.
- Sec. 25-408. Stopped meter; average amount will be used as basis.

### **Chapter 5. Mains**

#### Division 1. Generally

- Sec. 25-501. Shutting water off from street mains to make connections, extensions, etc.
- Sec. 25-502. Minimum size.
- Sec. 25-503. Apportionment of costs for extensions.
- Sec. 25-504. Financing extensions to property not part of new subdivision.
- Sec. 25-505. Extensions outside Town to serve property within the Town.
- Secs. 25-506—25-515. Reserved.

#### Division 2. Mains in New Subdivision

- Sec. 25-516. Installation generally.
- Sec. 25-517. Installation costs; extent.
- Sec. 25-518. Water main extension contracts generally.
- Sec. 25-519. Expenses of extending service around or through vacant property.
- Sec. 25-520. Period of subdivider's reimbursement rights under water main extension contracts.
- Sec. 25-521. Connecting loops and crossties.
- Sec. 25-522. Additional water pumping stations.

### **Chapter 6. Water Charges in General and Creation of Plant Investment Fund**

- Sec. 25-601. Water rates.
- Sec. 25-602. Computation where meter defective or cannot be read.
- Sec. 25-603. Prompt payment required.
- Sec. 25-604. Due date of payment.
- Sec. 25-605. Delinquent bills.
- Sec. 25-606. Penalty and procedure for delinquency.
- Sec. 25-607. Procedure for continued delinquency.

## WATER AND ELECTRICITY

- Sec. 25-608. Sundays and holidays.
- Sec. 25-609. Checks, drafts and notes.
- Sec. 25-610. Joint use and failure to pay.
- Sec. 25-611. New connections.
- Sec. 25-612. Tap fee schedule.
- Sec. 25-613. Water plant investment fee.
- Sec. 25-614. Additional fees.
- Sec. 25-615. Payment.
- Sec. 25-616. Water plant investment fund.

### **Chapter 7. Electricity**

- Sec. 25-701. Furnishing of electricity.
- Sec. 25-702. Rates, rules, regulations.

**CHAPTER 1. IN GENERAL****Sec. 25-101. Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Water service line* means the line running from the Town water main to the structure or property to be served.

*Water utility* means all water and water rights, waterworks and appurtenances thereto, machinery, equipment and supplies used by the Town to supply consumers with water, provided that the water service line from the meter riser or curb stop to the structure or property served shall be regarded the property of the owner of such structure or property served.

(Prior Code, § 25-101)

**Sec. 25-102. Reservation of rights by Town.**

The use of water under the provisions of this title shall not constitute or be deemed to be a relinquishment of any water or water right by the Town, and the Town reserves the full right to determine all matters in connection with the control and use of such water.

(Prior Code, § 25-102)

**Sec. 25-103. Promulgation of rules and regulations.**

The Town Council may, from time to time, promulgate such rules and regulations as it considers necessary to carry out the intent of this title, provided that such rules and regulations are not inconsistent with this title.

(Prior Code, § 25-103)

**Sec. 25-104. Agreement to rules and regulations prerequisite to commencement of service.**

No person may be served with water from the water utility unless he agrees to all the rules and regulations of the Town pertaining to the use of such water.

(Prior Code, § 25-104)

**Sec. 25-105. Records and reports of administrative official.**

The Water Commissioner shall keep such records and prepare such reports concerning the water utility as the Town Council directs. The Water Commissioner shall keep such records and prepare such reports concerning the water utility as the Town Council directs. The Water Commissioner shall keep the Town Council advised of the operations, financial

conditions and future needs of the water utility and shall prepare and submit to the Town Council, each month, a report covering the activities of the water utility, including a statement of revenues and expenditures of the preceding month.

(Prior Code, § 25-105)

**Sec. 25-106. Fire hydrants—Repair; testing.**

All fire hydrants shall be a part of the water utility and shall be kept in repair by the Water Commissioner or his authorized agents. Every hydrant shall be tested at least once annually.

(Prior Code, § 25-106)

**Sec. 25-107. Fire hydrants—Opening or operating.**

No person other than a member of the Fire Department shall open or operate any fire hydrant without permission from the Water Commissioner.

(Prior Code, § 25-107)

**Sec. 25-108. Property damage.**

No person shall in any way damage any property, equipment or appliance constituting or being a part of the water utility.

(Prior Code, § 25-108)

**Sec. 25-109. Property interference.**

No person shall trespass upon the property of the water utility or tap any water mains or make any connections therewith in any manner interfere with the water utility or the property, equipment, pipes, valves or any other appliances of the water utility or change or alter the position of any valve or appliance regulating the flow of water in any pipeline.

(Prior Code, § 25-109)

**Sec. 25-110. Depositing material in utility which will obstruct, pollute, etc.**

No person shall cast, place, dump or deposit in any of the water utility, any substance or material which will in any manner, injure or obstruct the same or any material or substance that would tend to contaminate or pollute the water or obstruct the flow of water.

(Prior Code, § 25-110)

**Sec. 25-111. Restrictions on use.**

(a) *Lawn sprinkling.*

- (1) The use of water from the water utility from lawn sprinkling purposes may be prohibited or restricted by order of the Town Council. Except as provided in Subsection (b) of this section, the order shall be effective when notice thereof is

published in the Town. Upon the publication of the notice, the sprinkling restrictions or prohibitions so prescribed shall take effect and any violator thereof shall be punished as provided in Section 1-801.

- (2) No hose nozzle or discharge vent used for sprinkling water from the water utility shall be more than one-quarter ( $\frac{1}{4}$ ) inch in diameter.

(b) *During fire or other emergency.* In the event of a major fire or any other emergency that should require the immediate curtailment of the use of water from the water utility, the Water Commissioner shall have the authority to make such restrictions as he deems necessary for the protection for the public.

(c) *Use on commercial agriculture.* The use of water from the water utility for commercial agriculture purposes is prohibited.

(d) *Use on property not connected to utilities.* No person having water service shall permit any person to take or use water from his water service for use on property not connected to the Town water utility.

(e) *Cross connections between water utility and private well lines.* No person shall have a cross connection between a private line carrying well water and a line carrying water from the water utility.

(Prior Code, § 25-111)

#### **Sec. 25-112. Discontinuance of service; failure to comply with regulations.**

If any water user fails to comply with the provisions of this title, other ordinances or rules and regulations of the Town or used the water for a purpose not authorized or in a wasteful manner, the Town may discontinue water service until the water user is in compliance and has paid any costs incurred because of his noncompliance.

(Prior Code, § 25-112)

#### **Sec. 25-113. Extension outside corporate limits—Authority of Town Council.**

The Town Council may, in its sole discretion, enter into agreements with customers whose lands lie outside the corporate limits to extend the Town's water system and supply water for the use, needs and requirements of such customers.

(Prior Code, § 25-113)

#### **Sec. 25-114. Extension outside corporate limits—Required findings prerequisite.**

Before the Town Council enters into any agreement to extend the Town's water system and water supply outside the corporate limits, it shall find that:

- (1) The extension of water service is economically feasible.
- (2) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the Town Council, to the then existing ordinances, which relate to subdivision, platting, zoning and construction of improvements.

- (3) The extension of sewer service to the property is economically feasible and can be accomplished within a reasonable time to be fixed by the Town Council.
  - (4) The area, within which the property to be served lies, can be reasonably expected to be annexed to the Town within the foreseeable future.
  - (5) Such extension would help promote the orderly, growth and development of the Town.
  - (6) Such extension would help promote the health, safety and welfare of the citizens of the Town.
  - (7) Such extension would help promote ecological and aesthetic consideration in the grown and development of the Town.
  - (8) Such extension is generally in the best interests of the citizens of the Town.
- (Prior Code, § 25-114)

**Sec. 25-115. No interference allowed; damages.**

Water consumers are not permitted to interfere in any way with the meter after it is set in place. In case the meter seal is broken or the working part of the meter damaged, the Water Department may render a bill for the current month based on an average of the last two (2) months, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until account is paid in full.

(Prior Code, § 25-115)

**Sec. 25-116. Misrepresentation, misuse, and unlawful furnishing of water to others.**

In case of misrepresentation on the part of an applicant, or in the event of the willful or unreasonable waste of water in the event of any emergency or otherwise, the Water Commissioner or the Town Council, in their discretion, may refuse further service. All waste of water is prohibited and all consumers shall keep their fixtures and service pipes in good condition at their own expense, and all water ways closed when not in use. All leaking or unsafe pipes and fixtures shall be immediately repaired. No consumer shall furnish water to others for use off the premises without due notice to the Water Department.

(Prior Code, § 25-116)

**Sec. 25-117. Unlawful during fire alarm or fire to use water for fountains, etc.**

It shall be unlawful for any person to use water for fountains, sprinkling or irrigation purposes whenever public emergencies require the suspension of such use, and all such use is strictly prohibited during a fire.

(Prior Code, § 25-117)

**Sec. 25-118. License does not entitle one to use water for street sprinkling.**

A license to use water on a lot shall not entitle the licensee to use water for street sprinkling.

(Prior Code, § 25-118)

**Sec. 25-119. Tampering with fire hydrant, main, meter prohibited.**

(a) It shall be unlawful for any person, firm, corporation or association or any agent or employee thereof, to tamper with, turn on or touch any meter, line, cutoff, switch or any other devices or equipment belonging to the Town designed for use in furnishing water service by the Town for the purpose of avoiding or violating any of the provisions of this title.

(b) It shall be unlawful for any person, firm, corporation or association or any agent or employee thereof to interfere with or hinder any employee of the Town, in any way calculated to prevent, delay, or hinder said employee from carrying out any of the provisions of this title.

(Prior Code, § 25-119)

**Sec. 25-120. Discontinuance or vacancy.**

Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the Department, when notified to do so in writing, will shut off the water at the curb and an allowance will be made on the bill for such time as the water is not in use if on the flat rate. No deduction in bills will be made for the time any service pipes may be frozen.

(Prior Code, § 25-120)

**Sec. 25-121. Notice of shutting off water boilers.**

Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies their water may be shut off at any time and the Town shall not be held liable therefor. All persons having boilers on their premises depending on connected pressure with the water mains are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucets shall be opened and left open until the water is turned on again. A check valve must always be placed between the boiler and the Town mains to prevent draining the boiler. Premises shall never be left with any faucets open unless the water is turned off inside such building.

(Prior Code, § 25-121)

**Sec. 25-122. Contractor or builders must take out permit for new construction.**

Contractors, builders or owners are required to take out a permit for use of water for building and other purposes in construction work. Consumers are warned not to allow contractors to use their fixtures unless they produce a permit specifying the premises on

which the water is to be used. Water will not be turned on at any new building until all water used during construction has been paid for. Permits shall be obtained from the Town Clerk with a charge assessed as may be determined by the Town Council.

(Prior Code, § 25-122)

**Sec. 25-123. Inspection and investigation may be made at reasonable hours.**

The Water Department's agents or other authorized persons shall have access at reasonable hours to any premises where water is used, for the purpose of making inspection or investigation.

(Prior Code, § 25-123)

**Sec. 25-124. Violation and penalty.**

(a) Except as provided in Subsection (b) of this section, the owner of any house, building, structure, or facility within the Town used for human occupancy, employment, business, recreation or other purposes shall, at the expense of the owner, install therein or thereon suitable facilities for the distribution of potable water therein or thereon. If said house, building, structure or facility is located on real property which abuts any public way in which there is located a public water main or which adjoins another public way in which there is located a public water main, the owner shall connect said potable water facilities directly with the public water main in accordance with the applicable provisions of this title no later than ninety (90) days after date of notice to do so; provided, however, that said public water main is within three hundred (300) feet (along a public way) of the boundary of the real property upon which the said house, building, structure or facility is located. If said house, building, structure or facility does not abut on a public way, or if it abuts on a public way but a public water main is not located within three hundred (300) feet (along a public way) of the boundary of the real property upon which the said house, building, structure or facility is located, then the owner may connect said potable water facilities to a private water supply system upon the following conditions:

- (1) If the owner desires to drill a private water well to supply potable water, the owner shall first obtain any and all necessary State and Federal (if any) permits therefor. Prior to commencement of drilling, the owner shall also obtain a permit from the Town for the drilling of the water well by filing with the Town exact copies of the State and Federal (if any) permits issued to the owner, and furnishing the Town with such plans, specifications and other information as is deemed necessary by the Town.
- (2) If the owner desires to connect onto an existing private water well to supply potable water, the owner shall obtain a permit from the Town to do so by furnishing the Town with such plans, specifications and other information as is deemed necessary by the Town.
- (3) If the owner desires to connect onto any other type of private system to supply potable water, such as delivered water stored in a holding tank, the owner shall obtain a permit from the Town to do so by furnishing the Town with such plans, specifications and other information as is deemed necessary by the Town.

- (4) The owner shall at all times operate and maintain their private water supply system in a clean and sanitary manner, and shall not allow or permit excessive leakage therefrom.
- (5) If at any time the real property on which is located a house, building, structure or facility serviced by a private water supply system should abut a private way, and there should be a public water main located within three hundred (300) feet (along a public way) of the boundary of the real property upon which is located said house, building, structure or facility, the owner thereof shall connect the potable water facilities of said house, building, structure or facility directly to the public water main in accordance with the applicable provisions of this title and shall completely disconnect any private water supply system line from any line connected onto any public water main so as not to allow or permit any cross connections between the same no later than ninety (90) days after date of notice to do so.

(b) The provisions of Subsection (a) of this section do not apply to private water supply systems in place and in use prior to January 1, 2000.

(c) Except as otherwise provided in this section, no person shall connect the potable water facilities of any house, building, structure or facility used for human occupancy, employment, business, recreation or other purposes to a private water supply system.

(d) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Potable water* means water fit for human consumption as determined by applicable State and Federal rules, regulations and standards.

*Potable water facilities*, when required in houses, buildings, structures and facilities in Town used for human occupancy, employment, recreation, business or other purposes, means faucets, spigots and other valves and appurtenances with running water.

*Public water main* means the underground municipal main pipelines owned and operated by the Town and used by the Town to transport potable water to houses, buildings, structures and facilities from the Town's water utility.

*Public way* means any street, roadway, alley or utility easement/right-of-way owned by the Town or dedicated to public use within the Town.

(e) Violation of any provision or failure to comply with any requirement set forth in Subsections (a), (c) and (d) of this section constitutes a misdemeanor and shall be punishable by a fine of up to seven hundred fifty dollars (\$750.00).

(Prior Code, § 25-124; Ord. No. 5-2000, §§ 1, 2, 3-27-2000; Ord. No. 10-2003, § 1, 5-13-2003)

**CHAPTER 2. CONNECTIONS**

**Sec. 25-201. Only Town employees allowed to turn on water to premises; exception; special service charges.**

No person, other than a duly employed person of the Town, shall turn on water to any premises, lot, building or house when the water has been shut off under the provisions of this chapter, provided that this section shall not be construed to prevent any plumber from admitting water to test pipes or restoring service after repairs. Any person requesting that the Town's Public Works Department connect, disconnect, turn on or turn off municipal water service to any premises, lot, building, structure or residence at any time in which the Town's administrative office is not open for public business, or before 8:00 a.m. or after 4:00 p.m. on days when the Town's administrative office is open for business, shall be charged a service fee of twenty-five dollars (\$25.00).

(Prior Code, § 25-201; Ord. No. 4-1998, § 1, 6-22-1998)

**Sec. 25-202. Unauthorized taps; compliance with permit; cost.**

(a) It shall be unlawful for any person not authorized by the Town Clerk to tap or connect to any part of the water utility.

(b) All taps or connections shall be made in accordance with the terms and conditions of the permit issued therefor.

(c) All taps or connections to any part of the water utility shall be made at the expense of the person making such tap or connection.

(d) All lines from the main line laid by the Town shall be installed maintained solely at the expense of the consumer.

(Prior Code, § 25-202)

**Sec. 25-203. Permit required.**

Any person desiring to make a connection to the water utility or to use water therefrom, shall make written application to the Town Clerk for a permit to do so and shall not make such connection without such permit.

(Prior Code, § 25-203)

**Sec. 25-204. Permit application.**

The application for a permit to make connection to the water utility shall state the name of the person to whom the permit is to be issued, the size of the tap, corporation cock and water service line, the location thereof, the premises upon which water is to be used and the purpose for which the water is to be used.

(Prior Code, § 25-204)

**Sec. 25-205. Permit issuance; contents.**

Permits required by Section 25-203 shall be issued by the Town Clerk and shall state the name of the person to whom the permit is issued, the date of the permit, the size of the tap, corporation cock and water service line, the premises upon which the water is to be used and the purpose for which the water is to be used.

(Prior Code, § 25-205)

**Sec. 25-206. Payment of charges.**

In all cases where a charge is provided by law for making a connection to the water utility, the amount of the charge shall be tendered to the Town when the application for the connection permit is made.

(Prior Code, § 25-206)

**Sec. 25-207. All plumbing to be inspected and approved.**

All plumbing shall be subject to inspection by the Plumbing Inspector or his authorized representatives in order to ascertain whether the requirements of this chapter have been or are being complied with. It shall be unlawful for any person to cause any plumbing within or outside the Town limits to be connected with the water utility of the Town until such plumbing shall have been inspected and approved and a certificate or tag of approval issued by the Town.

(Prior Code, § 25-207)

**CHAPTER 3. SERVICE LINES****Sec. 25-301. Installation to be by licensed plumber; written permission prerequisite.**

(a) No person other than a plumber licensed by the Town or a person authorized by the Water Commissioner shall install a water service line, including a meter vault and a meter riser.

(b) No service lines shall be installed without having first obtained permission from the Town.

(Prior Code, § 25-301)

**Sec. 25-302. Installation costs generally.**

Any service line from a main to a structure to be served shall be installed by the water user at his expense.

(Prior Code, § 25-302)

**Sec. 25-303. Installation required prior to paving streets.**

Before any street containing a water line is paved, the owners of the property abutting upon the street shall, at their expense, install all service lines with meter vaults and meter

risers which the Town determines to be necessary to serve the property when fully developed, or, will be charged the full cost of materials and labor to repair the street if such tap is not installed prior to paving.

(Prior Code, § 25-303; Ord. No. 19-1980, 1-12-1981)

**Sec. 25-304. Material specifications.**

All service lines shall be of copper, cast iron or other suitable material as determined by the water utility. Corporation cocks, water risers and service lines shall be of the size as specified by the Town. Curb stops, as specified by the Town, buried five and one-half (5½) feet shall be used and minimum curb box top sections shall be one and one-half (1½) inch in diameter.

(Prior Code, § 25-304)

**Sec. 25-305. Minimum size.**

The water service line from the street main to the water distribution system of the building to be served with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand and in no event shall it be less than three-fourths (¾) inch nominal diameter.

(Prior Code, § 25-305)

**Sec. 25-306. Required depth.**

All service lines shall be laid five (5) feet below the established grade of the street from the water main to the meter vault. When the main is of greater or lesser depth, the service line shall be brought to the required depth as soon as possible after leaving the tap.

(Prior Code, § 25-306)

**Sec. 25-307. Replacement where materials unsuitable.**

Service lines made of materials other than cast iron or copper shall be replaced by copper or cast iron lines or suitable materials when, in the opinion of the Water Commissioner, such lines have become so disintegrated as to be unfit for further use. The water utility shall assume the cost of replacement of the service line between the main and the curb stop and property owner shall assume the cost of the replacement of the water service line between the curb stop and the distribution system of the building served. When such lines have been replaced with copper or cast iron lines as set forth in this chapter, the water utility shall assume the maintenance of the service line between the water main and the curb stop or meter riser.

(Prior Code, § 25-307)

**Sec. 25-308. Approval of replacement services.**

New services to replace existing services shall not be approved by the Town and the water turned on until old service lines are dug up and the corporation cock shut off at the main.

(Prior Code, § 25-308)

**Sec. 25-309. Extension to more than one property.**

Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. In cases where service lines were extended from one (1) property to a different property prior to adoption of the ordinance from which this section is derived, the continued use of such extension shall be permitted until replacement is necessary, at which time separate connection shall be made to the water main at the expense of the owner of the property served by such extension and the extended service line shall be discontinued, provided that this section shall not be construed as prohibiting a single service line to serve a single structure under one (1) roof occupying more than one (1) property.

(Prior Code, § 25-309)

**Sec. 25-310. Maintenance.**

The owner of any property connecting to the water utility shall be responsible for the maintenance of the water service line from the curb stop or meter riser to the structure being served and shall keep this line in good condition at his expense. He shall, at his expense, at all times keep all pipes, fixtures and appliances on his property tight and in good working order so as to prevent waste of water.

(Prior Code, § 25-310)

**Sec. 25-311. Disconnecting service from premises.**

When a water user desires to disconnect his premises from the water utility, he shall not be permitted to take up that portion of the service line between the main and the curb stop or meter vault, nor shall he be permitted to take up the meter vault, but, at his expense, the water shall be shut off at the corporation cock and all appliances from the water main to and including the meter vault shall remain in the ground and become the property of the Town.

(Prior Code, § 25-311)

**Sec. 25-312. Location of cock.**

At some convenient point inside of the building as so located that it cannot freeze, a stop and waste cock must be placed, so that the water can be readily shut off from the building and the water pipes drained to prevent freezing.

(Prior Code, § 25-312)

**Sec. 25-313. Cock to be near curb.**

Service pipes will be so arranged that the supply of each separate consumer may be controlled by a separate curb cock, placed within or near the line of the street curb.

(Prior Code, § 25-313)

**CHAPTER 4. METERS AND APPURTENANCES****Sec. 25-401. Costs.**

All water meters shall be furnished by the water utility. Newly constructed homes and businesses shall pay the cost of the water meter (which will be charged at the rate the Town has to purchase them for), the tap fee, and the investment fee. The installation and labor is included in the tap fee. The water utilities shall replace all water meters due to no fault to the user, with no cost to the user. If the meter has to be replaced due to neglect or abuse by the user, see Section 25-405. The Town shall retain ownership of all meters.

(Prior Code, § 25-401; Ord. No. 1-1990, § 1(25-401), 5-14-1990)

**Sec. 25-402. Testing, approval and adjustment prior to installation.**

Each water meter shall be tested by the Town, and shall be found to be correct and properly adjusted before being installed.

(Prior Code, § 25-402)

**Sec. 25-403. Frostproof vaults required.**

All meter installations shall be in a frostproof vault at a location specified by the Town. Meters not installed in a frostproof vault as of the date of adoption of the ordinance from which this section is derived shall be replaced with a meter installed in a frostproof vault at a location specified by the Water Commissioner upon request of the property owner or when it is necessary to replace all or any part of the water service line.

(Prior Code, § 25-403)

**Sec. 25-404. Costs for frostproof vaults, risers, etc.**

The frostproof vault, riser and necessary appurtenances shall be furnished by the Town and the Town's actual cost of these materials shall be paid by the property owner upon obtaining the applicable permit in Section 25-204, provided that, when Town employees install a frostproof vault, riser and appurtenances, in connection with replacement of the water service line between the main and curb stop, a permit shall not be required but the applicable charge shall be paid by the property owner.

(Prior Code, § 25-404)

**Sec. 25-405. Maintenance and testing.**

All water meters shall be maintained by the water utility, and shall be tested and repaired as necessary not less than at least once in each ten (10) year period. The cost of repairs resulting from neglect or abuse by the water user, and the cost of repairing damaged meters as the result of freezing, shall be paid by the user and added to and considered a part of the

charge of water service. Meter users are specifically required to drain meters if the user desires to prevent freezing damage and the failure of a meter user to do so shall result in the meter user being charged for replacement of the water meter.

(Prior Code, § 25-405; Ord. No. 1-1990, § 1(25-405), 5-14-1990)

**Sec. 25-406. Tampering, interfering, etc.**

It shall be unlawful for any meter user under meter rates set forth in this title, or any other person, to tamper or interfere with any meter or meter seal or to so arrange his water service or piping so that the user of water will not actuate the meter.

(Prior Code, § 25-406)

**Sec. 25-407. Replacement of meter; fastening cost.**

The Water Department may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test may demand that the meter be removed, and tested as to its accuracy, in his presence. In case the meter is found to be registering accurately within two (2) percent, or in favor of the consumer, the cost for such testing and replacing the meter shall be borne by the consumer. In case the meter is found to be recording incorrectly and against the consumer more than two (2) percent the amount deposited by the consumer will be refunded and a reasonable adjustment made for the overcharges for a period of not exceeding sixty (60) days, previous to the demand of the consumer for a test to be made.

(Prior Code, § 25-407)

**Sec. 25-408. Stopped meter; average amount will be used as basis.**

In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, the Water Department may average the amount due for the current month, using the past two (2) months as a basis of such average.

(Prior Code, § 25-408)

**CHAPTER 5. MAINS**

**DIVISION 1. GENERALLY**

**Sec. 25-501. Shutting water off from street mains to make connections, extensions, etc.**

Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water utility.

(Prior Code, § 25-501)

**Sec. 25-502. Minimum size.**

The size of the main required to serve any part of the Town shall be determined by the Town. No main less than six (6) inches in diameter shall be placed in the water distribution system.

(Prior Code, § 25-502)

**Sec. 25-503. Apportionment of costs for extensions.**

When water mains are extended, the property owners benefited thereby, as determined by the Town, shall pay all costs of such extension for mains eight (8) inches or less in diameter together with necessary valves, hydrants and other appurtenances. For mains over eight (8) inches in diameter, when required by the municipality, the water utility shall pay the following percentages of the total costs of the extension of such mains:

- (1) For ten (10) inch mains, thirty (30) percent.
- (2) For twelve (12) inch mains, forty (40) percent.
- (3) For fourteen (14) inch mains, fifty (50) percent.
- (4) For sixteen (16) inch mains, sixty-five (65) percent.

(Prior Code, § 25-503)

**Sec. 25-504. Financing extensions to property not part of new subdivision.**

(a) Extension of water lines to serve property within the Town, but not a part of a new subdivision, shall be financed by special assessment against the benefited property or under such terms and conditions as the Town Council shall provide by resolution.

(b) Assessments against the benefited property shall not exceed the actual cost of the extension, plus engineering and administrative costs.

(Prior Code, § 25-504)

**Sec. 25-505. Extensions outside Town to serve property within the Town.**

No water main shall be extended outside the municipal limits to serve property within the municipality (across islands or between peninsulas) except upon the express consent of the governing body under such terms as may be defined by ordinance.

(Prior Code, § 25-505)

**Secs. 25-506—25-515. Reserved.**

DIVISION 2. MAINS IN NEW SUBDIVISION

**Sec. 25-516. Installation generally.**

The subdivider shall install the mains in his subdivision by private contract, subject to approval of the plans and specifications by the Town, execution of the extension contract

provided in this division and Town inspection of actual construction, provided that the Town may elect to install the mains, in which case the subdivider shall deposit with the Town the estimated cost of installing the mains, plus engineering and administrative costs, and the Town may then proceed to make the installation by contract with a private contractor.  
(Prior Code, § 25-506)

**Sec. 25-517. Installation costs; extent.**

All water mains required to serve a platted subdivision, including cross connecting mains, shall be installed at the cost of the subdivider. The subdivider shall install mains to the farthest points of his subdivision.  
(Prior Code, § 25-507)

**Sec. 25-518. Water main extension contracts generally.**

For all water main extensions made to serve any subdivision or are platted after the date of adoption of the ordinance from which this section is derived, the subdivider or owner shall enter into a water main extension contract with the Town.  
(Prior Code, § 25-508)

**Sec. 25-519. Expenses of extending service around or through vacant property.**

When a subdivider finds it necessary to bring water service from the existing water system through vacant property to his platted subdivision, the subdivider shall pay the entire costs of the original construction. At the time of annexation or as the property abutting such water main is developed and connections are made to the water main, the Town may collect a charge per front foot based upon the original construction cost and, if so collected, shall reimburse the original subdivider to the extent of the collection so made. In no event shall the actual amount so paid to the subdivider by the Town exceed the original cost of the extension.  
(Prior Code, § 25-509)

**Sec. 25-520. Period of subdivider's reimbursement rights under water main extension contracts.**

The subdivider's right to reimbursement under a water main extension contract shall in no event exceed a period of fifteen (15) years from the date of the execution of such contract and all payments shall cease at that time regardless of the amount that has at that time been received by the subdivider.  
(Prior Code, § 25-510)

**Sec. 25-521. Connecting loops and crossties.**

Connecting loops and crossties within a subdivision shall be constructed by the subdivider. If the connecting loop is such that property outside the subdivision abuts such loop or ties, and connections are made to such line, the reimbursement provisions of Sections 25-519 and

25-520 shall apply. Connecting loops, in the nature of a general improvement of the water system, shall be financed by the water utility. Before any abutting property shall connect to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the Town.

(Prior Code, § 25-511)

**Sec. 25-522. Additional water pumping stations.**

When additional water pumping stations are required to serve new platted subdivisions, the Town Council, as a condition to acceptance of the final plat, may require the installation of the stations and require the subdivider to execute such instruments as may be necessary to convey title to the stations to the Town upon completion. The installation and cost of the stations shall be the responsibility of the subdivider. The Water Commissioner, or his authorized agent, will supervise the construction and determine all matters with respect to the installation of the stations, including, but not limited to, capacity, type, design, and location, as in his discretion would meet minimum requirements for fire and domestic demand. The Town may require oversize stations to serve areas larger than that proposed by the subdivider, provided that in such cases the Town shall pay the cost of the oversize, which cost shall thereafter be collected from other subdividers using the station. Upon completion, the Town shall assume responsibility for operation and maintenance of stations installed pursuant to this section.

(Prior Code, § 25-512)

**CHAPTER 6. WATER CHARGES IN GENERAL AND CREATION OF PLANT INVESTMENT FUND**

**Sec. 25-601. Water rates.**

(a) Water investment fee. Except as provided in Subsection (c) of this section, there shall be a monthly water investment fee charged for each residence and residential unit, building, structure, facility, travel trailer park, mobile home park space, and premises connected to the Town's municipal water system; and for travel trailer parks (as provided under Title 24), in addition to the base water investment fee, there shall be an additional monthly water investment fee charged for each individual trailer space located in any travel trailer park which trailer space is connected to the Town's municipal water system, which additional fee shall be charged regardless of water usage at said trailer space and regardless of whether or not water service from the Town's municipal water system is shut off, discontinued or terminated by the Town for any reason to the travel trailer park, including at the request of the water service customer or property owner. All such water investment fees shall be set by resolution.

(b) Base water rate/additional water rate.

(1) In addition to the water investment fee provided in Subsection (a) of this section, there shall be charged, to be billed on a monthly basis, a base water rate and an

additional water rate in amounts established by resolution of the Town Council. The base water rate shall be charged for one (1) to ten thousand (10,000) gallons of water delivered during each billing period. An additional water rate shall be charged for each additional one thousand (1,000) gallons or portion thereof of water delivered after ten thousand (10,000) gallons during each billing period. The base water rate and the additional water rate shall automatically increase by two (2) percent annually effective the first billing period in July each year commencing in July 2020.

- (2) Regardless of actual water usage, each residence and residential unit, building, structure, facility, travel trailer park, mobile home park space, and premises connected to the Town's municipal water system shall be charged the base water rate for each monthly billing period; except, however, for any monthly billing period during which water service is shut off by the Town at the request of the water service customer (or owner), or otherwise, and there is no water usage during that entire billing period.
- (3) The monthly water investment fee in Subsection (a) of this section and, as applicable, additional water investment fee, shall be charged for each residence and residential unit, building, structure, facility, travel trailer park and travel trailer park space, mobile home park space, and premises connected to the Town's municipal water system regardless of water usage and regardless of whether or not water service is shut off, discontinued or terminated by the Town for any reason, including at the request of the water service customer or property owner; provided, however, the monthly water investment fee and, as applicable, additional water investment fee shall not be charged for any residence, residential unit, building, structure, facility, travel trailer park, travel trailer park space, mobile home park space or any premises where the Town's water meter has been removed by the Town and the water line has been plugged or capped by the Town at the request of the customer or property owner or as authorized under this Code. Once the water meter has been removed and the water line has been plugged or capped by the Town, the fee to reinstall a meter and commence water service to any residence, residential unit, building, structure, facility, travel trailer park, mobile home park space or any premises from which the Town's water meter has been removed by the Town and the water line has been plugged or capped by the Town shall be the same amount which would be required to initially establish water service thereto (including, but not limited to, tap/connection fees and costs notwithstanding the existing tap, and meter and meter pit/vault fees and costs). The monthly water investment fee shall be billed to the water service customer; provided, however, the owner of the residence or residential unit, building, structure, facility, travel trailer park, mobile home park space, or premises connected to the Town's municipal water system shall be primarily liable for the payment of said monthly water investment fee.

(c) Notwithstanding any provision herein to the contrary, those travel trailer parks and mobile home parks with multiple individual spaces, for which the Town has not installed water meters to each individual space, may be charged a flat rate water investment fee and additional water investment fee. Such flat rate fees shall be established by resolution of the Town Council.

(d) Any water service customer receiving water service to his or her residence who meets all of the following requirements shall receive a fifty (50) percent reduction from the metered water rates (but not the water investment fee) specified in Subsection (a) of this section for water provided to the customer's primary residence:

- (1) Be sixty-five (65) years of age or older or be certified as totally disabled by the United States Social Security Administration, United States Veterans Administration, or other governmental agency; and
- (2) Present evidence showing that the customer's household gross income was less than two hundred twenty-five (225) percent of the Federal Poverty Guideline for one (1) person, or for two (2) persons if the household has more than one (1) person, for the year immediately prior to the one in which the customer seeks to claim the water rate reductions provided in this Subsection (d). For the purposes of this subsection, gross income does include the aggregate of the total earnings of minor children under the age of eighteen (18) years of age; and
- (3) Be the owner or co-owner or lessee or co-lessee of the premises to which water service is provided and show that the customer is the sole source of support of the individuals constituting the household subject to the qualifications of Subsection (b)(2) of this section, with the term "household" meaning a group of individuals who regularly reside together in the premises receiving the water utility service; and
- (4) Submit the information required in this Subsection (d) to the Town Clerk/Treasurer in January of each calendar year for certification of the customer's eligibility as a senior citizen or disabled person for purposes of the rate reduction provided in this Subsection (d), for the remainder of that calendar year. The income limit shall be updated each January when the Federal Poverty Guidelines are established and shall apply for that calendar year, and the rate reduction provided for in this Subsection (d) shall be reviewed each subsequent January.

(e) Any customer who has been denied a reduction in water rates under Subsection (d) of this section may file an appeal to the Town Council for their consideration of his/her request, provided the appeal is filed in writing with the Clerk/Treasurer of the Town, setting forth the basis for reconsideration, with all supporting material to support the customer's claim of eligibility, within ten (10) calendar days from the date the customer received notice of the denial of his/her request. Upon the receipt of a properly filed appeal, the Town Council shall review the original application of the utility customer, the Town public file on the application, if any, and any other material the customer may file with his/her appeal and shall render their decision within thirty (30) days of the receipt of the appeal. The Town Council may waive the income requirements in Subsection (b)(2) of this section for a customer who is sixty-five (65) years of age or older whose household gross income exceeded the maximum allowed in the past year, but who has thereafter become disabled, and whose household gross income is currently less than the maximum allowable limit in the present year; or for a customer who is under sixty-five (65) years of age whose household gross income exceeded the maximum allowed in the past year, but who has thereafter become

totally disabled and whose total disability is certified by the United States Social Security Administration, United States Veterans Administration or other governmental agency, and whose household gross income is currently less than the maximum allowable limit in the present year.

(Prior Code, § 25-602; Ord. No. 5-2017, § 1, 5-22-2017; Ord. No. 5-2022, § 1, 9-12-2022)

**Sec. 25-602. Computation where meter defective or cannot be read.**

Where a meter is broken or defective or for any reason does not correctly measure and record all the water used on any premises in any one (1) quarter, or where the proper Town employee is unable to enter and read the meter after two (2) attempts to read the meter, the charge for water used on such premises during that quarter shall be as stated in Section 25-408.

(Prior Code, § 25-603)

**Sec. 25-603. Prompt payment required.**

(a) All persons, firms, corporations or associations receiving water service from the Town, whether furnished within the limits of the Town or not, shall promptly pay for such service at the time and in the manner hereinafter set out, in compliance with the provisions of this title.

(b) All bills or statements rendered by the Town for water service, mailed before the last day of any month, shall be due and payable on or before the 15th day of the next month.

(c) Any bill or statement rendered by the Town in accordance with the applicable provisions of this title for water service that remains unpaid, in full or in part, after the due date thereof as provided in this title shall be deemed to be delinquent.

(d) When any bill or statement for water service shall have become delinquent and the same shall not have been paid in full on or before the 14th day of the month next succeeding the month in which said bill became delinquent, the Town shall, on or about the 15th day of said month, send notice by ordinary mail, with postage fully prepaid, to the person, firm, corporation or association whose bill is delinquent as aforesaid, at their address appearing in the Town records, containing a demand for payment of all amounts for water service, delinquent and/or due, and notifying the party whose bill is delinquent that if the same is not paid in full on or before the 30th day of the same month in which the notice is mailed, water, sewer and garbage collection service furnished by the Town to such person, firm, corporation or association for the billed premises will be subject to discontinuance by the Town, even if such person, firm, corporation or association is not delinquent in the payment of their sewer and/or garbage collection charges.

(e) If the delinquent account of the person, firm, corporation or association remains unpaid after the 30th day of the month in which notice was sent in accordance with Subsection (d) of this section, the Town shall immediately cause water service furnished through the facilities of the Town to be discontinued to the billed premises by removing, modifying, shutting off, disconnecting or otherwise in a manner the Town shall deem

expedient. Any and all costs or expenses incurred by the Town in discontinuing water service to the billed premises shall be added to the bill for service due to the Town. If the billed premises receiving water service from the Town should begin receiving water from a source other than the Town's municipal water system before payment of the delinquent water bill, such as from a private well or otherwise, the Town shall immediately cause sewer service furnished through the facilities of the Town to be discontinued to the billed premises by removing, modifying, shutting off, disconnecting or otherwise in a manner the Town shall deem expedient. Any and all costs or expenses incurred by the Town in discontinuing sewer service shall be added to the bill for service due the Town. In addition to discontinuance of water and sewer service under the provisions of this subsection, the Town shall discontinue garbage collection service furnished through the Town to the billed premises.

(f) As used in this section, the term "billed premises" means the house, building, structure or facility to which water service is furnished by the Town, and for which payment of the applicable charges therefor are delinquent.

(g) Once water, sewer and/or garbage collection service furnished to a billed premises by the Town is discontinued due to delinquency in payment of applicable water charges as provided in this section, such service shall not be restored to the billed premises until and unless all charges for all such service furnished to the billed premises are paid in full and current (including charges for unbilled water, sewer and garbage service), together with any and all costs and expenses incurred by the Town in discontinuing water and/or sewer service to the billed premises as provided in this section, and together with the payment of any deposit required to be paid pursuant to the provisions of this Code for the commencement or recommencement of such service.

(h) When any of the dates for payment, mailing of notice, or discontinuance of service shall fall on a Saturday, Sunday or legal holiday, said date shall be construed and changed to mean and be the next business day following said date that is not a Saturday, Sunday or legal holiday.

(i) Any check, draft, note or other method of payment except cash, postal money order, certified check or cashier's check, shall be conditionally accepted by the Town as payment for water service, at the discretion of the Town Clerk, and in the event such check, draft, note or other instrument or method of payment fails to clear through the bank or other financial institution drawn on, or for any other reason, not the fault of the Town, is not promptly paid or credited to the Town, said payment shall be declared void for the purposes of this title, and said bill or statement shall be considered delinquent unless acceptable payment is tendered and accepted before the date when such bill would become delinquent.

(j) It is expressly provided that the remedies for collection of delinquent bills for water service as provided in this section are not exclusive, and do not in any way alter, waive, delay or abridge the right of the Town to bring suit in any court of competent jurisdiction for the collection of any bills, amounts, accounts, or other obligations due and owing the Town.

(Prior Code, § 25-604; Ord. No. 4-2010, § 1, 3-8-2010)

**Sec. 25-604. Due date of payment.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-605)

**Sec. 25-605. Delinquent bills.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-606)

**Sec. 25-606. Penalty and procedure for delinquency.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-607)

**Sec. 25-607. Procedure for continued delinquency.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-608)

**Sec. 25-608. Sundays and holidays.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-609)

**Sec. 25-609. Checks, drafts and notes.**

See Ordinance No. 6-2000.  
(Prior Code, § 25-610)

**Sec. 25-610. Joint use and failure to pay.**

In a case where two (2) or more persons or families are supplied by the same service pipe, if either such person or family fails to pay the water tax, when due, the water shall be turned off from such service pipe until the rent is paid.  
(Prior Code, § 25-611)

**Sec. 25-611. New connections.**

All new connections to the water system shall be charged a tap fee and a separate water plant investment fee.  
(Prior Code, § 25-612)

**Sec. 25-612. Tap fee schedule.**

The tap fee schedule shall be based on line size, with a base rate of seven hundred dollars (\$700.00) for a three-fourths (¾) inch line, and an increase of one hundred dollars (\$100.00)

for each additional three-fourths (¾) inch line tap size. Tap fees received shall be placed in the Town water fund, used to defray the actual tapping expenses and other routine maintenance to the water system. (See Sections 25-404 and 25-405.)

(Prior Code, § 25-613; Ord. No. 4-2008, § 25-613, 6-23-2008)

**Sec. 25-613. Water plant investment fee.**

The water plant investment fee shall be nine hundred dollars (\$900.00) for a single-family dwelling and for the first unit of any multifamily dwelling, mobile home park, hotel, motel or commercial establishment. Additional water plant investment fees, or percentages thereof, shall be assessed for multifamily dwellings, mobile home parks, hotels, motels, and commercial establishments.

(Prior Code, § 25-614; Ord. No. 7-1982, § 25-614, 4-26-1982; Ord. No. 4-2008, § 25-614, 6-23-2008)

**Sec. 25-614. Additional fees.**

Additional fees shall be:

- (1) Multifamily dwellings and hotel-motel kitchenette units: seventy (70) percent of the water plant investment fee for each unit after the first one.
- (2) Mobile home parks: one hundred (100) percent of the water plant investment fee for each mobile home space.
- (3) Hotel/motel units (without kitchenettes): forty (40) percent of the water plant investment fee for each unit after the first one.
- (4) Commercial establishments: forty-five (45) percent for water plant investment fee for each unit, after the first unit, in the commercial establishment. (A unit is each bathroom; each kitchen; each bar; each car washing unit; etc.)

(Prior Code, § 25-615; Ord. No. 7-1982, § 25-615, 4-26-1982; Ord. No. 4-2008, § 25-615, 6-23-2008)

**Sec. 25-615. Payment.**

Payment of both water tap fee and water plant investment fee must be made before water service will be turned on.

(Prior Code, § 25-616)

**Sec. 25-616. Water plant investment fund.**

On June 12, 1979, a water plant investment fund was established. All funds received as water plant investment fees shall be deposited in that fund, and shall only be used for future expansion and/or capital improvements to the Town water system.

(Prior Code, § 25-617)

ORDINANCE NO. 2-2003

TITLE 25, CHAPTER 6, SECTION 25-601

ORDINANCE AMENDING SECTION 25-601 OF CHAPTER 6, TITLE 25 OF THE CODE OF THE TOWN OF MOORCROFT, WYOMING, 1979, TO INCREASE DEPOSIT FOR WATER SERVICE; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING that:

SECTION 1 – The provisions of Section 25-601 of Chapter 6, Title 25 of the Code of the Town of Moorcroft, Wyoming, 1979 shall be, and the same hereby are amended to read in complete form as follows:

“25-604 – DEPOSIT FOR WATER SERVICE-

(a) Every person or entity, prior to receiving water service from the town at any premise, shall deposit with the town clerk/treasurer the sum of one hundred <sup>4/50</sup> dollars for service to each premise; provided, however that customer's garbage collection service deposit or sewer service deposit posted with the town in accordance with the applicable provisions of this Code for each such premise shall also serve as a water service deposit as required by this section. Whenever water service is discontinued, any balance due to the town for water service, together with penalty, if any, shall be deducted form the deposit and the balance, if any, refunded to the customer; less any amounts due to the town for unpaid garbage collection service charges and/or unpaid sewer service charges, together with applicable penalties and costs as provided to that premise until the deposit required in this section is paid in full to the town. In the event that all or part of a customer's deposit should be applied by the town toward the payment of the customer's delinquent sewer and/or garbage collection service charges, penalties and costs as provided in this Code, then the customer's water service shall be discontinued by the town until such time as the deposit required in this section is paid in full to the town, regardless of whether the customer is or is not delinquent in the payment of the customer's water service charges.

(b) If a customer has not been delinquent in the payment of the customer's water service charges, and also has not been delinquent in the payment of the customer's sewer and garbage collection service charges (if the customer receives sewer and/or garbage collection service), for the immediately twelve consecutive months, then the customer's deposit shall be refunded, without interest, to the customer, upon request. If the customer should subsequently become delinquent and the customer's water service, sewer service and/or garbage collection service should be discontinued by the town, then sad customer shall be required to post a deposit as required in this section before water service shall be provided; which deposit shall be refunded, without interest, to the customer if the customer is not delinquent in the payment of the customer's water service charges, sewer service

**CHAPTER 7. ELECTRICITY****Sec. 25-701. Furnishing of electricity.**

The Town shall furnish electricity for light, heat, and power for public and private use within the Town, or the Town shall grant a franchise to provide such electricity transmission through and beyond the Town. Such grant of a franchise shall be set forth in special ordinance.

(Prior Code, § 25-701)

**Sec. 25-702. Rates, rules, regulations.**

If the Town furnishes the electricity, the Town Council shall have the power to promulgate rules and regulations and to set rates. The Town Council shall at all times have the power to promulgate rules and regulations not inconsistent with any franchise agreement.

(Prior Code, § 25-702)

charges and garbage collection service charges (if the customer received sewer and/or garbage collection service), for the immediately preceding twelve consecutive months thereafter.

(c) A customer who has been receiving water service, sewer service and/or garbage collection service furnished by the town and has not been delinquent in the payment of the customer's applicable service charges for the immediately preceding twelve consecutive months shall not be required to post the deposit required in this section before being provided additional water service to the same or other premise."

**SECTION 2** – This Ordinance shall become effective after passage and upon publication as provided by law, and all ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Passed on first reading: January 13, 2003

Passed on second reading: January 27, 2003

**PASSED, APPROVED AND ADOPTED** on third reading this 10<sup>th</sup> day of February, 2003.

TOWN OF MOORCROFT

s/Barbara A. Jeffres

Barbara A. Jeffres

Mayor

Attest:

s/Carolyn M. Holberg

Carolyn M. Holberg

Town Clerk/Treasurer

#### **CERTIFICATE OF PUBLICATION**

I, Carolyn M. Holberg, Town Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No. 2-2003 was published in the Moorcroft Leader, Moorcroft, Wyoming on this 13<sup>th</sup> day of February, 2003.

s/Carolyn M. Holberg

Carolyn M. Holberg

Town Clerk/Treasurer

**ORDINANCE NO. 11 - 2018**

\* \* \*

**TITLE 25, CHAPTER 6, SECTION 25-604**

\* \* \*

**ORDINANCE AMENDING SECTION 25-604 OF CHAPTER 6, TITLE 25 OF THE CODE OF THE TOWN OF MOORCROFT, WYOMING 1979 TO AMEND WATER UTILITY BILLING PROCEDURE, DELINQUENCY, DISCONTINUANCE OF SERVICE FOR DELINQUENCY AND REESTABLISHMENT OF SERVICE FOLLOWING DELINQUENCY; AND PROVIDING FOR AN EFFECTIVE DATE.**

\* \* \*

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING, that:**

**SECTION 1:** Section 25-604 of Chapter 6, Title 25 of the Code of the Town of Moorcroft, Wyoming 1979 shall be and the same hereby is amended to read in complete form as follows:

**"25-604 - WATER BILLING PROCEDURE; DELINQUENCY; COLLECTION-**

- (a) All persons, firms, corporations or associations receiving water service from the Town ("customer"), whether furnished within the limits of the Town or not, shall promptly pay for such service at the time and in the manner hereinafter set out, in compliance with the provisions of this Chapter.
- (b) As used in this Section, the term "billed premises" means the house, building, structure or facility to which water service is furnished by the Town, and for which payment of the applicable charges therefore are delinquent.
- (c) All bills or statements from the Town for water service, mailed to the customer before the last day of any month, shall be due and payable on or before the 15<sup>th</sup> day of the next month (the "due date").
- (d) Any bill or statement from the Town given in accordance with the applicable provisions of this Chapter for water service that remains unpaid, in full or in part, after the due date thereof as provided in this Chapter shall be deemed to be delinquent.
- (e) Any bill or statement for water service which becomes delinquent and is not paid in full within five (5) business days following the due date thereof shall be

assessed a late fee of ten percent (10%) of the amount due or twenty-five dollars (\$25.00), whichever is greater. In the event a customer is delinquent in the timely payment for water service to a billed premises, and is also delinquent in the timely payment for Town garbage and refuse collection service or sewer service to the same billed premises, the ten percent (10%) late fee shall be assessed for each delinquent utility service as a single late fee, but the minimum twenty-five dollar (\$25.00) late fee shall apply to the combined late fee amount(s), and not individually for each utility service. If a customer's bill or statement for water service is not paid in full within five (5) business days following the due date thereof, then within two (2) business days thereafter the Town shall mail to the customer by first class United States mail, postage prepaid, to customer's address appearing in the Town records, written notice: (i) of the delinquent amount(s) due for all Town utility services (garbage and refuse collection service, water service and sewer service) provided to the billed premises; (ii) of the assessment of the late fee hereinabove provided, including the amount of the late fee; and (iii) that if the delinquent amount(s) due for all Town utility services (garbage and refuse collection service, water service and sewer service) provided to the billed premises together with the amount of the assessed late fee is not paid in full by the last business day of the month of the notice, then without further notice, the Town shall have the right to discontinue providing any and all Town utility services (garbage and refuse collection service, water service and sewer service) to customer's billed premises even if customer is not delinquent in the payment of customer's garbage and refuse collection service and/or sewer service to the billed premises.

(f) If any portion of customer's delinquent Town utility service account (garbage and refuse collection service, water service and/or sewer service), together with the assessed late fee, remains unpaid after the last business day of the month in which notice was sent in accordance with subsection (d) of this Section, the Town may, at any time thereafter, and without further notice to customer, discontinue any or all Town utility services (garbage and refuse collection service, water service and/or sewer service) to the billed premises. If the billed premises receives sewer service from the Town but is supplied with water from a source other than the Town's municipal water system, such as from a private well or otherwise, the Town may discontinue sewer service furnished through the facilities of the Town to the billed premises by removing, modifying, shutting off or otherwise disconnecting the customer's sewer service line from the Town's sewer system. Further, if the billed premises receives water service from the Town but there is no corporate shut-off to the billed premises, the Town may discontinue water service furnished through the facilities of the Town to the billed premises by removing, modifying, shutting off or otherwise disconnecting the customer's water service line from the Town's water system.

(g) In addition to payment in full of customer's delinquent utility service account, including the assessed late fee, the minimum charge to reestablish one or

more of customer's Town utility service(s) following discontinuance as provided in subsection (e) of this Section shall be fifty dollars (\$50.00), whether customer receives one or more utility service(s); provided, however, that in addition to the fifty dollar (\$50.00) reestablishment fee, the customer shall be assessed a one-thousand dollar (\$1,000.00) fee in the event the Town is required to excavate the customer's service line(s) to the billed premises in order to disconnect, plug or cap, or otherwise discontinue water service and/or sewer service.

(h) When garbage and refuse collection, water and/or sewer service furnished to a billed premises by the Town is discontinued due to delinquency in payment of applicable water service charges as provided in this Section, such service(s) shall not be restored to the billed premises until and unless: (i) all charges for all Town utility service(s) furnished to the billed premises are paid in full and current, including charges for billed and unbilled water service, sewer service and garbage and refuse collection service; (ii) the assessed late fee as provided in subsection (e) of this Section is paid in full; (iii) the fee to reestablish service(s) as provided in subsection (g) of this Section is paid in full; (iv) any fee assessed for insufficient or non-sufficient payment as provided in subsection (j) of this Section is paid in full; and (v) any deposit(s) required to be paid pursuant to the provisions of this Code for the commencement or recommencement of Town utility service(s) is paid in full.

(i) When any of the dates for payment, mailing of notice, or discontinuance of service shall fall on a Saturday, Sunday or legal holiday, said date shall be construed and changed to mean and be the next business day following said date that is not a Saturday, Sunday or legal holiday.

(j) Any check, draft, ACH, or other method of payment, except cash, postal money order, certified check or cashier's check, shall be conditionally accepted by the Town as payment for Town utility services (garbage and refuse collection service, water service and/or sewer service), at the discretion of the Town Clerk. In the event such check, draft, ACH, or the instrument or method of payment fails to clear the bank or other financial institution upon which same is drawn, or for any other reason not the fault of the Town is not promptly paid or credited to the Town, said payment shall be declared void, and said bill or statement shall be considered delinquent as provided in subsection (c) of this Section unless acceptable payment is tendered and accepted before the date when such bill or statement would become delinquent. In the event a payment is denied for insufficient or non-sufficient funds, a \$32.00 fee will be added to the customer's utility account.

(k) It is expressly provided that the remedies for collection of delinquent bills for water service as provided in this Section are not exclusive, and do not in any way alter, waive, delay or abridge the right of the Town to bring suit in any court of competent jurisdiction for the collection of any bills, amounts, accounts, or other obligations due and owing the Town."

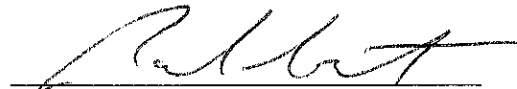
**SECTION 2:** This Ordinance shall become effective after passage and upon publication as provided by law, and any ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed on first reading: October 8, 2018

Passed on second reading: November 8, 2018

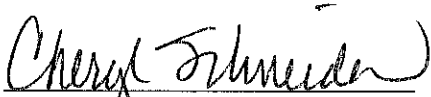
PASSED, APPROVED AND ADOPTED on third reading this 10<sup>th</sup> day of December, 2018.

**TOWN OF MOORCROFT:**



Paul Smoot  
Mayor Pro Tem

ATTEST:



Cheryl Schneider  
Town Clerk/Treasurer

**CERTIFICATE OF PUBLICATION**

I, Cheryl Schneider, Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No. 11-2018 was published in the Moorcroft Leader, Moorcroft, Wyoming on this 10<sup>th</sup> day of December, 2018.



Cheryl Schneider  
Town Clerk/Treasurer