

# Water System

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## ORDINANCE 2009-105

### **An Ordinance Repealing and Replacing Ordinances 1984-6, 1986-26, 1998-68, 2003-84, 2003-86, 2004-88, and 2007-102 in their Entirety and Setting Forth the Rules and Regulations Governing the Use of the Water System and Facilities**

#### **BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS:**

The purpose of this Ordinance is to hereby rescind any and all previous ordinances pertaining to the Rolling Hills water system including, but not limited to, Ordinance 1984-6, Ordinance 1986-26, Ordinance 1998-68, Ordinance 2003-84, Ordinance 2003-86, Ordinance 2004-88, and Ordinance 2007-102 and to re-establish and enact regulations governing all matters pertaining to the operation and/or maintenance of the water system and all additions thereto, to include the attachment of individual and private lines and the dispensing of water service by means of the water system to persons having or who may hereafter make or acquire any attachment to the water system. Said regulations are set forth below as follows:

#### **Section 1 - Definitions.**

For the purposes of this Ordinance, and except in those cases where a different meaning is clearly indicated by context, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- a. "Person" shall mean and include any natural person, family, organization, corporation or business firm.
- b. "Consumer" shall mean and include any person defined in (a) above residing in, using or operating from any dwelling or business unit within the Town of Rolling Hills ("Rolling Hills"), or immediately adjacent to Rolling Hills and lawfully using water from Rolling Hills. No group or persons occupying several or separate units of any dwelling or business unit or establishment shall act as a single unit in the purchase of water from Rolling Hills for the purpose of being deemed a single customer. Any person operating or conducting a business requiring separate water service at two (2) or more separate establishments shall, for the purposes of this Section, be deemed a user in each of the separate businesses, and charges for water service furnished by Rolling Hills from each of the separate businesses shall be imposed against the person, the same as though such person were actually two (2) separate customers.
- c. "Water", "water system", "water line", "main line", "water main", and "water plant" mean the water system of Rolling Hills or the designated part thereof, and any named part of a water line means such part of, or such appurtenance to Rolling Hills water line or system, or to a line or part thereof.
- d. "Rolling Hills' service line" shall be construed to mean that portion of a line serving an individual consumer from the point where it connects to the Rolling Hills main line to the curb stop. The meter and read, wherever located, shall be the property of Rolling Hills and shall be deemed part of the Rolling Hills' service line.
- e. "Consumer service line" shall be construed to mean that portion of an individual service line extending from the curb stop to the consumer's facilities.
- f. "Rates for water use" shall be construed to mean the minimum charge for service and the charges per gallon for water as from time to time specified by Resolution of the Town Council of Rolling Hills.
- g. "Tap fee" shall mean the installation and connection of a consumer service line to the main line or a service line and shall include all valves, curb stops, saddles, lines and other necessary appurtenances to provide service from the main to the consumer's service line and shall additionally include the meter, back flow preventer, and all costs of service associated with installing the same by a contractor of Rolling Hills and the Water Operator
- h. "Property Owner" shall be the registered owner of the property as shown on file in the Converse County Assessor's Office.
- i. "Town Council" shall mean the currently elected Governing Body for the Town of Rolling Hills, Wyoming.

#### **Section 2 - Operation of Water System**

- a. Rolling Hills shall operate, maintain and regulate the distribution of water within Rolling Hills for the purpose of extinguishing fires and for supplying Consumers with water for domestic, manufacturing, irrigation and other lawful purposes. The operation and regulations shall comply with appropriate provisions of Wyoming state law. The water supply and distribution system shall hereafter be known as the "Rolling Hills water system."
- b. All fire hydrants shall be a part of the water system and shall be kept in good repair by Rolling Hills or its authorized agent. Every fire hydrant shall be tested at least annually. No person other than one designated by Rolling Hills or a member of any fire department shall open or operate any fire hydrant without permission from Rolling Hills and such permission must be obtained in writing except in the case of an emergency requiring immediate and necessary access.

#### **Section 3 - Initial Fees for New Structures**

- a. Any person desiring to make a connection to the water system shall make written application to the Town Clerk and shall not make such connection or commence to use water without a permit issued by Rolling Hills. The form of said application and permit will be set out by Resolution and made available at the Town Hall.
- b. Upon submission of the application, the Consumer shall pay a tap fee, which shall be specified by Resolution and which shall cover the items listed in the definition of a tap fee in Section 1 of this Ordinance.
- c. Prior to water being turned on to any property or new structure, the Consumer must pay a deposit to Rolling Hills as set out in Section 5 below.
- d. After receipt of the tap fee and deposit, Rolling Hills will contract with a licensed plumber and the Water Operator to install the Rolling Hills' service line as set forth in Section 1 above. It is the Consumer's responsibility to contract with a licensed plumber to install the Consumer's service line. Such service lines shall not be installed without permission of Rolling Hills and shall be subject to inspection by Rolling Hills. Consumer service lines shall be installed, repaired, and maintained by and at the sole cost and expense of the Consumer.
- e. Service lines shall meet the current specifications and plumbing codes for public improvements within county subdivisions, including the following:
- (1) All service lines shall be of copper, cast iron or other suitable material as determined by Rolling Hills. Corporation stops, water risers and service lines shall be of a size specified by Rolling Hills.
  - (2) Curb stops as specified by Rolling Hills buried five and one-half feet (5-1/2') shall be used and minimum curb box top sections shall be one and one-half inches (1-1/2") in diameter.
  - (3) The water service line from the street main to the consumer's distribution system shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the facilities at peak demand and in no event shall be less than three fourth inch (3/4") nominal diameter.
  - (4) Meters may be placed in a meter pit or vault outside the structure within ten (10) feet of the main line and curb stop or inside the new structure, preferably located in the basement. If the building has no basement or if such installation is impossible, Rolling Hills shall direct the contractor or consumer as to where the meter should be located. All meters shall be equipped with radio reads. It shall be the responsibility of the Consumer or Property Owner to keep the meter and read in good condition and repair.
  - (5) All service lines shall be laid five feet (5') below the established grade of the street from the water main to the meter or meter vault. When the main is of greater or less depth, the service line shall be brought to the required depth as soon as possible after leaving the connection.
  - (6) All service lines shall include a back-flow preventer of a type approved by the Environmental Protection Agency or the Wyoming Department of Environmental Quality. The cost of said back-flow preventer shall be included in the Tap Fee as set out in Section 1 above.
- f. Each property shall be served by its own service line and no connection with the water system shall be made by extending the service line from one property to another property. In cases where service lines were extended from one property to a different property prior to the adoption of this Ordinance, the continued use of such extension shall be permitted until replacement is necessary, at which time the owners of the property served by such extension shall be responsible to discontinue use of the extended service line; provided that this Section shall not be construed as prohibiting a single service line to serve a single structure under one roof occupying more than one property.
- g. No person other than a designated official or employee of Rolling Hills shall be authorized to open any and all necessary valves, curb stops or meters to divert water from Rolling Hills' service line into Consumer's service line.
- h. The original application and permit shall be maintained in the Rolling Hills Town Hall and a copy of the permit shall be given to the Consumer.
- i. The application and permit issued pursuant to the above procedure shall constitute an agreement and contract by and between Rolling Hills and the Consumer capable of being enforced in the same manner as that in which any contract of similar nature, by and between private parties, is enforced.

#### **Section 4 - Initial Fees for Existing Structures**

- a. When a Consumer purchases or leases an existing home or structure within Rolling Hills, it is the Consumer's responsibility to notify Rolling Hills of the change in ownership or status of the lease through application. The form of said application will be set out by Resolution and available at the Town Hall.
- b. Upon submission of the application, the Consumer must pay a deposit to Rolling Hills as set out in Section 5 below.
- c. Upon notification of application for water service, it shall be the duty of a Rolling Hills designated official or employee to make a regular inspection of the premises, service lines, and all fixtures and appurtenances thereto as soon as practical, and to order any repair or replacement thereof or improvement or maintenance of any of the same or any part thereof which may be necessary in order that the facilities may comply with Rolling Hills specifications for its water system. It shall be the duty of the Consumer and/or Property Owner to comply with all orders of the authorized officers or employees of Rolling Hills as soon as possible.

## **Section 5 - Deposit**

- a. Any new Consumer, whether building a new structure, purchasing an existing structure, or leasing a new structure, shall pay a deposit to Rolling Hills in an amount set out by Resolution.
- b. Said deposit must be received before:
  - (1) Water to the property can be turned on to service new structures; or,
  - (2) Transfer of an existing Consumer to a new Consumer will be made in accordance with a purchase or lease of an existing structure.
- c. In the case of a purchase or lease of an existing structure, said deposit shall be made on or as close as possible to the closing date or lease date. If said deposit is not made within thirty (30) days of the closing date, Rolling Hills may discontinue water service to the property. Water service shall not commence until said deposit is paid in full and additional applicable disconnection and connection fees are forfeited. The disconnection and connection fees are set out by Resolution pursuant to Section 8 below.

## **Section 6 - Maintenance of Equipment for Service**

- a. In the case of any breakage occurring in the Consumer service line necessitating repair or replacement, it shall be the duty of the Consumer or Property Owner in which such line is installed to make repairs or replacements.
- b. Where a meter or read is damaged or broken without fault of the Consumer by freezing, steam, hot water or other cause, Rolling Hills shall repair or replace the meter and/or read one time at the expense of Rolling Hills and shall notify Consumer of the cause of the damage and the procedure necessary to prevent the recurrence thereof. After the first such repair or replacement, the Consumer shall be liable for the expense of such subsequent meter or read injury from the same cause.
- c. It is understood that Rolling Hills must have access to indoor meters and reads at all times. Consumer shall allow an appointed official or employee of Rolling Hills in their premises for maintenance of the meter and read. Rolling Hills shall provide timely notice of said maintenance to Consumer, except in the case of an emergency wherein it is in the best interests of the Consumer and Rolling Hills to enter the premises immediately to maintain and/or repair the meter and read. Consequently, Consumer shall maintain the meter and read in an area easily accessible to Rolling Hills.
- d. It shall be the responsibility of Rolling Hills to maintain all water lines, exclusive of Consumer service lines, meters and reads as set out in Section 6(b) above, and plumbing within Consumer residences or structures.

## **Section 7 - Water Rates**

- a. Water rates for service to residential and commercial structures in and out of Rolling Hills shall be established by Resolution as from time to time required.
- b. In addition to the water rates, a deposit shall be required of all Consumers in accordance with Section 5 above.
- c. In the event a Consumer leaves for an extended period of time, Consumer may request disconnection of water service and connection of said service upon return. Disconnection and connection fees will be assessed to Consumer, however, no additional monthly fee will be assessed for the duration of the leave while there is no water service. The disconnection and connection fees will be set out by Resolution as referenced in Section 8 below.
- d. Rolling Hills may, from time to time, sell water to commercial businesses or persons outside of Rolling Hills who seek a one-time purchase of a large number of gallons. The allowance of said sell and purchase will be determined on an individual basis based on current water demand and supply to Rolling Hills. Said sell and purchase will be set out in contract form as approved by the Town Council. The rate of purchase per gallon shall be set forth by Resolution and made reference to in the contract.

## **Section 8 - Delinquent Water Accounts**

- a. Water bills shall be due and payable on the 10<sup>th</sup> of each month. Upon nonpayment of a water bill after a period of forty (40) days, a written notice of delinquency shall be sent to the address of the person in whose name the service is listed and shall specify the amount due. If full payment is not made within ten (10) days after notification of delinquency, a disconnection notice shall be sent by certified mail. Failure to pay within ten (10) days of receipt of the certified notice shall result in disconnection of water service. Costs for the certified notice will be applied to the Consumer's account. In addition, if the Consumer is not the Property Owner, the Property Owner, if known, will also be sent a certified notice and costs of sending that notice will also be applied to Consumer's account.
- b. If water service is disconnected due to nonpayment, disconnection and connection fees will be applied to the Consumer's account. The disconnection and connection fee shall be established by Resolution.
- c. If the delinquent amount is not paid within ten (10) days after service is discontinued, the deposit, if any, shall be applied to the account to cover as much of the delinquent charge as possible.
- d. In the event water service is discontinued for nonpayment as provided in this Section, no service will be restored to the Consumer whose service was so cancelled or the property for which said cancellation was made until the account is brought current and paid in full, all disconnection and connection fees due from said Consumer and property are paid, and, if the required initial deposit has already been applied to the account, Consumer submits another deposit at the current rate set out by Resolution.

e. The Property Owner is responsible for all amounts due to Rolling Hills for water supplied. Rolling Hills reserves the right to collect all past due water bills and costs incurred in manner provided by law.

f. Any Consumer checks returned by a financial institution due to non-sufficient funds shall constitute an NSF fee to be applied to Consumer's account. Said NSF fee shall be established by Resolution.

### **Section 9 - Prohibitions**

The following activities in regard to the water system and use of Rolling Hills' water are prohibited:

a. It shall be unlawful for any meter user 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 use of water will not actuate the meter or will actuate it in an inaccurate manner.

b. No person other than an employee of Rolling Hills or a person so designated by Rolling Hills shall trespass upon the property of the water system, make any connection to the water mains or make any connections therewith, or in any manner interfere with the water system or the property, equipment, pipes, valves or any other appliances of the water system, or change or alter the position of any valve or appliance regulating the flow of water in any pipeline.

c. No person shall have a cross connection between a private line carrying well water and a line carrying water from the water system.

d. No person having water service shall permit any other person to take or use water from his water service for use on property not connected to Rolling Hills water system.

e. Water shall not be obtained for commercial purposes from fire hydrants except with specific written permission of the Town Council and in conformance with regulations for such use.

f. If any of the above activity is suspected for good reason, Consumer must allow an employee or designated official of Rolling Hills on the property without notice for inspection. Said employee or designated official shall be accompanied by a member of law enforcement.

### **Section 10 - Water Supply Emergency**

In the event of a water emergency wherein Rolling Hills is unable to meet normal demands for the season during which the emergency occurs, the following actions may be taken by the Town Council to reduce water consumption:

a. In the event of a water shortage, Rolling Hills may impose temporary restrictions in manners afforded by law, including emergency provisions, that shall remain in effect only for so long as necessary, and until the Town acting as a Council can meet. These temporary restrictions shall have the same force and effect as ordinance, but in no event shall Rolling Hills impose unreasonable emergency restrictions in dealing with water shortages and/or emergencies. Any violation of temporary emergency restrictions shall be the equivalent of violating this ordinance.

b. Emergency restrictions adopted by the Town Council shall be posted in prominent places so as to inform Consumers within Rolling Hills of the restrictions.

### **Section 11 - Penalties**

a. Any person violating any of the provisions of this Ordinance shall be punishable by a fine not to exceed \$750.00. Rolling Hills, or any authorized official or employee thereof, shall have the right and authority to disconnect and discontinue any and all water service to the property upon which the violation has occurred or is occurring, and/or to the property of the person who has committed the violation.

b. Water service shall not be restored to such person or property until the violation(s) have been corrected. The above procedures shall be without prejudice as to any other legal or equitable actions or remedies which may be available to Rolling Hills or its authorized officers, agents, or in the collection of any damages which Rolling Hills may incur by the violation.

### **Section 12 - Prior Ordinances Rescinded**

The passing, approval and adoption of this Ordinance 2009-105 hereby rescinds any and all previous ordinances pertaining to the Rolling Hills water system including, but not limited to, Ordinance 1984-6, Ordinance 1986-26, Ordinance 1998-68, Ordinance 2003-84, Ordinance 2003-86, Ordinance 2004-88, and Ordinance 2007-102.

APPROVED, PASSED AND ADOPTED this 16<sup>th</sup> day of June, 2009.

Mayor Gerry Minton