

Title 13

PUBLIC SERVICES*

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* Prior ordinance history: Ordinances 4a-76, 9b-76, 10a-76, 1c-77, 8-78, 8A-78, 8B-78, 8C-78, 8D-78, 8H-78, 11C-78 and 11D-78.

Chapter 13.04

GENERAL PROVISIONS

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Section 13.04.010 Definitions.

For the purposes of this title, the following words and phrases shall have the respective meanings ascribed to them:

A. "Business Unit" means a business that is operated independently, which, if required, has a separate tax license from the state or a tax-identification number issued by the Internal Revenue Service, or separate ownership, regardless of the space that is occupied by the business in a building.

B. "Living Unit" means the building space that is ordinarily occupied by a single family unit.

C. "Occupant" means the person that has the legal title to the property as determined by the records in the County Courthouse.

D. "Owner" means the person that has the legal title to the property as determined by the records in the County Courthouse.

E. "Person" means any real person, individual, partnership, association, corporation or entity which is recognized by law without exclusion of any other type.

F. "Utility" means water, sanitary sewer, storm sewer, and/or any other service being offered to the public by the City.

(Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-1) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.020 Scope of provisions.

All pertinent provisions of this title are made a part of the terms and conditions whereby the city furnishes any utility service to any person or parcel of property, within or without the City boundaries, or

whereby the City makes any utility connections, or performs work of any kind in connection with the furnishing of any utility service pursuant to this title and any applicable rules and regulations. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-2) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.030 Technical provisions compliance.

A. Any utility service furnished under the provisions of this title shall be in accordance with and in compliance with all applicable technical provisions of local, state and federal law and applicable rules and regulations, provided, however, that any violation of such by the City shall not provide for a reduction or offset against a billing for services provided.

B. The City Manager shall have the authority to establish by rule and regulation such standards and specifications as may be deemed expedient or necessary for the installation, construction or maintenance of any utility system owned or operated by the city. Such rules and regulations shall be filed in the office of the City Clerk. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-3) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.040 Inspector access.

The City Manager, or his designee, shall have free access at any reasonable time to all premises supplied with any utility service by the City for the purpose of examination in order to protect the utility service from abuses. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(a)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.050 Responsibility for charges.

A. All charges, costs and expenses for the installation, connection, availability and usage of a utility service provided by the City on each parcel of property served shall be the sole responsibility of the property served by a utility, except as provided within this chapter, and the City shall have a lien on such property for such utility services as have been provided to the property regardless any change in ownership. The billing of such charges shall be sent to the last known owner of the property at the last address provided by that owner in writing to the City.

B. In the event that the water meter serving a parcel of property is located inside a heated structure on the property being served, the City shall be responsible for the installation, maintenance and operation of the utility system up to the property line, including such easements as the City possesses, and the water meter itself. The owner of each parcel of property on which a meter is located, for the convenience of the City and in exchange for the City providing such utility service, shall give the City an easement for access to the meter, and associated equipment or other equipment as provided by the City, for installation, maintenance and repairs of the meter. In such an instance, the owner shall insure that adequate heat is available to the meter to prevent freezing, or shall be liable for the cost of any and all damage incurring to the meter by freezing.

C. In the event that the water meter is located in a meter pit, whether located on the property, or not, the City shall be responsible for the installation, maintenance, repair and operation of the utility system to the waterline connection beyond the water meter.

D. In the event that the City conducts installation, replacement, repairs or maintenance on the portion of the utility system found on the owner's property, other than the meter, the City may bill the owner for such costs as are associated with said work. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(b)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.060 Separate service required.

A separate and independent service for each water and sanitary sewer shall be provided for each

building, provided, however, that where such is not available because of circumstances, an exception may be allowed by the City Manager. In any event, there shall be a separate utility billing for each separate living unit and business unit with utility service, with individual availability charges for the respective utilities for each unit. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(c)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.070 Old services used for new buildings.

Old utility services may be used in connection with new buildings only when they are found, on examination and test, to meet all requirements of this title. (Ord. 7-79 § 1 (part): prior code § 28-4(d))

Section 13.04.080 Disconnection or refusal of service grounds.

The City Manager, or his designee, shall have the right to disconnect or refuse to provide any utility service, or to provide utility service under such conditions as may seem appropriate to the City under the circumstances, to any parcel of property, living unit or business unit upon the occurrence of one or more of the following by the owner or occupant:

- A. Failure of the customer to comply with the applicable requirements of law, rules or regulations regarding the respective utilities.
- B. A continuing failure to pay utility bills when due.
- C. Willful or negligent waste of utility service due to improper or imperfect pipes, fixtures, appliances or accessories.
- D. Molesting any meter, seal or other City owned or operated equipment associated with the supply of a utility service provided by the City.
- E. Theft, diversion or misuse of services; or,
- F. Vacancy of premises. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(e)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.090 Refusal of service to debtor.

The City Manager may refuse to furnish utility service to any person who is in debt to the City for prior utility services, or may attach such conditions to providing utility service to such a debtor as may be deemed expedient to insure the collection of the ongoing charges for the utility service and any and all arrearage. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(f)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.100 Continued connection presumed.

All connections to or uses of City provided utility services are presumed to continue until such time as the owner, or his authorized designee, notifies the City in writing that such service should be discontinued. All charges for availability and use will be continued until such notice is received by the City. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(g)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.110 Unauthorized use or change in use prohibited.

Any person having a permit from the city for the use of any utility service offered by the city who uses the utility service for any purpose other than mentioned in the permit or who makes any unauthorized changes in the service shall be deemed guilty of a misdemeanor. (Ord. 7-79 § 1 (part): prior code § 28-4(h))

Section 13.04.120 Reselling service prohibited.

No person obtaining a City owned or operated utility service shall resell that service, or any portion thereof, to another, provided, however, that such prohibition shall not include a landlord, as property owner, from requiring a tenant to pay such utility charges as a portion of the rental or lease agreement between themselves. (Ord. 3-93: Ord. 1 (part): prior code § 28-4(i)) (Ord. No. 3-93, Amended, 03/02/93)

Section 13.04.130 Connection permission required.

Any person who makes any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of the utility system, shall be deemed guilty of a misdemeanor. (Ord. 7-79 § 1 (part): prior code § 28-4(m))

Section 13.04.140 Apparatus maintenance.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with the utility service. (Ord. 7-79 § 1 (part): prior code § 28-4(n))

Section 13.04.150 Authorized workers required.

No person, other than employees of the city, shall be authorized to connect, turn on, turn off or disconnect any utility service offered by the city, or remove, replace or repair any city owned or city-installed equipment which is connected to the utility service. (Ord. 7-79 § 1 (part): prior code § 28-4(o))

Section 13.04.160 Nonliability for service failure.

The city shall not be liable for any damage to any customer of any utility service furnished by the city due to backflow of the sewerage system, failure of supply, interruption of service or any other cause outside the direct control of the city. (Ord. 7-79 § 1 (part): prior code § 28-4(p))

Section 13.04.170 Service outside city.

Utility service outside the City corporate limits shall be in compliance with and under terms and conditions outlined in the City of Rawlins Extraterritorial Utility and Infrastructure Expansion Plan as approved by the City Council. The rates for such utility services shall not be less than one and one-third (1 1/3) times the rate for like services within the City limits or as otherwise set from time to time by the City Council pursuant to City Ordinance 1.01.110.

If utility extension outside of City limits is granted, this does not imply that City emergency services would be extended to said property. This must be coordinated between the City and County separately. (Ord. 3-93: Ord. 7-79 § 1 (part): prior code § 28-4(q)) (Ord. No. 3-93, Amended, 03/02/93)(Amended 11/16/10)(Ord. No. 11-2010, Amended, 11/16/10)

Section 13.04.180 Penalty for violation.

A. Any person, firm, corporation, partnership or other entity who violates any of the provisions of this chapter shall be guilty of a misdemeanor and subject to the penalty in Section 1.08.010.

B. In addition to the penalty specified in subsection A, any user of city-owned utilities who violates the provisions of Chapters 13.04, 13.08, 13.12 or 13.16 on more than one occasion may, after receiving notice from the city after the first violation, be deprived of any or all utility services at the discretion of the

city manager. (Ord. 3A-91; Ord. 7-79 § 1 (part); prior code § 28-5)

Chapter 13.08

WATER RATES AND FEES

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| 13.08.150 | Construction responsibilities. |
| 13.08.160 | Connection surcharge. |
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| 13.08.190 | Water fee disposition. |
| 13.08.200 | Reduction of user rates to prevent freeze-up of water lines. |
| 13.08.210 | Surcharge for oversizing. |

Section 13.08.010 Meters required.

- A. Except as provided in this title, all water services from the city water system shall be metered.
- B. All meters will be supplied and installed by the city and will remain the property of the city. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.020 Rates established.

The rates and charges set out in this chapter are fixed and established for water services within the city limits. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.030 Availability charge.

Exclusive of fire protection services, the following minimum charges for providing water services shall be assessed monthly:

A. Individually Metered Services. Each individually metered single-family residence, mobile home, living unit, apartment, condominium, townhouse, individual commercial establishment, industrial facility or other similar type unit shall pay an availability charge in the amount established by resolution of the City Council as per title one of this code .

B. Master Metered Services. Each facility including, but not limited to, mobile home courts, multi-family residential units or commercial and industrial facilities which are divided into separate units

or provide for more than one use and are serviced through a master meter shall pay an availability charge in the amount established by resolution of the City Council as per Title 1 of this code . (Ord. No. 5B-97, Enacted, 05/20/97; Ord. No. 7a-03, Amended, 07/01/03; Ord. No. 10-2005, Amended 10/04/05) (Ord. 08a-2008, Amended, 08/19/2008; 10-2005, Amended, 10/04/2005; Ord. 07a-2003, Amended, 07/01/2003)

Section 13.08.040 Commodity charge.

A. The rate for residential water delivered to a resident of the city through any meter or unit each month shall be Twenty Cents (\$.20) per one hundred gallons.

B. The city manager is authorized to establish a fixed monthly water use rate for such instances as present problems for the city in metering the utility service. Such rate shall include a fixed monthly rate in addition to the availability charge paid by residential users. An example of such an instance would be the livestock uses in the "Glenn Addition." (Ord. No. 5B-97, Enacted, 05/20/97; Ord. No. 07a-03, Amended, 07/01/03) (Ord. 07a-2003, Amended, 07/01/2003)

Section 13.08.045 Water usage and fees for property owners in the Glenn Addition.

A. The property owners in the Glenn Addition who agree to use their water only for livestock purposes, and specifically not for irrigation purposes, shall continue to be billed a flat rate per month for water supply as established by resolution of the City Council as per Title 1 of this code.

B. Any Glenn Addition property owner who wishes to use his or her water supply for any purpose, other than watering and cleaning livestock, may do such but shall be required to lease a meter from the city, pay the city for said meter and installation, and pay the same monthly rate for usage as a residential water user. All meters remain the property of the City of Rawlins.

C. Use of city water, without installation of a meter, for any purpose other than maintaining livestock, shall be considered a misdemeanor criminal offense punishable by a fine of not less than \$200.00 and not more than \$750.00.

(Irrigation is specifically excluded as an acceptable use.) In addition to such fine, service to property may be shut off for violating this ordinance. (Ord. No. 5-98, Enacted, 05/19/98)

(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.050 Fire protection.

The rate for all water services for fire protection lines shall be in the amount established by resolution of the City Council as per title 1 of this code. (Ord. No. 5B-97, Enacted, 05/20/97)

(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.060 Construction water.

A. Definitions.

1. Minor Construction Water. "Minor construction water" means any use of water for construction purposes not exceeding four thousand gallons per month.

2. Major Construction Water. "Major construction water" means any use of water for construction purposes which exceeds four thousand gallons per month.

B. Major construction water or minor construction water shall be delivered at such location in the amount established by resolution of the City Council as per Title 1 of this code. Such rate may be adjusted by the City Manager in accordance with a contractual obligation for delivery of water with the approval of the City Council. (Ord. No. 5B-97, Enacted, 05/20/97)

(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.065 Major independent industrial use.

A. Definitions.

1. "Excess water" means water that is readily available to the city, but which is not necessary to meet the current domestic or municipal uses of the citizens of Rawlins, or those anticipated during the term of any contract for the sale of such water.
2. "Major independent industrial use" means any use by a company or individual which exceeds an average use of five hundred gallons of raw water per minute and delivered to the user from an existing system of the city to the user's own delivery and distribution system.

B. Sale of Excess Water.

1. The council may, at its discretion, contract with a major independent industrial user for the sale of excess water on whatever terms and conditions as may be negotiated, taking into account:
 - a. The anticipated domestic and municipal use for water by the city for the duration of the contract for the sale of water;
 - b. Alternate sources of water and the anticipated costs to develop such sources to meet the needs of the city;
 - c. The cost to develop such source of excess water and the continuing costs of maintaining and operating the source and associated distribution;
 - d. The fair market value of the water;
 - e. The economic value of the sale of the excess water to the company as measured by the anticipated growth or value to the city.
2. The council shall make a determination that such water to be sold is excess water. The council may utilize such advice as it deems advisable.
3. The council, prior to or contemporaneously with approval of any contract for the sale of water shall make a finding that such contract complies with this section and is in the best interest of the city.

(Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.070 Delinquent and shutoff charges.

A. Any customer from within the City limits who fails to pay the entire amount of their utility bill within twenty-five days of the billing date shall be considered delinquent and shall be charged a delinquent fee as established by resolution of the City Council as per Title 1 of this code. Those customers from without the City limits shall be assessed a delinquent fee as established by resolution of the City Council as per Title 1 of this code.

B. Any customer who fails to pay the entire amount of the utility bill from the City when due and payable shall be subject to having the utility service suspended as directed by the City Manager. Any customer who has the water service suspended and shut-off shall be assessed a fee as established by resolution of the City Council as per Title 1 of this code which shall be paid prior to the re-establishing of the service.

C. In the event that a customer requests that the water to a property be turned on or off at times other than the normal working hours of the City, the customer shall be charged a fee for such service equal to the overtime rate for an employee being called out to perform the service to cover the cost of such to the City, which charges shall be included on a regular billing. Requests for a turn on/off service during regular working hours shall not be charged. (Ord. No. 5B-97, Enacted, 05/20/97)

(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.080 Development fee--Each tap.

A development fee shall be charged for each tap on the city's water system, as established by resolution of the City Council as per Title 1 of this code.

(Ord. No. 5B-97, Enacted, 05/20/97)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.090 Development fee--Multiple unit residential construction.

Development fees for multiple unit residential construction shall be computed at a rate set by resolution of the City Council as per Title 1 of this code. In no event shall the service connection fee ever be less than the minimum specified in Title 1 of this code. (Ord. No. 5B-97, Enacted, 05/20/97)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.100 Development fee--Temporary facilities.

Development fees for temporary facilities shall be computed at twenty-five percent of the normal minimum service connection fee for each year or portion of a year as established by resolution of the City Council as per Title 1 of this code that the temporary facility is expected to be in existence. (Ord. No. 5B-97, Enacted, 05/20/97)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.110 Size of connection.

All service connections shall be sized in conformance with the Uniform Plumbing code. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.120 Development and Connection Surcharge fees--Date due.

Whenever it is necessary to install a water service connection in advance of street construction and prior to actual need of water service, the development and connection surcharge fees shall be due and payable at the time the water meter is required, or a building permit is applied for, whichever comes first. The fees shall be calculated on the basis of fees in effect as of the date of the request for water meter or application for building permit. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.130 Backflow prevent.

Wherever, in the opinion of the Public Works Director, Building Official, or their designees a reduced pressure backflow preventer is required to eliminate contamination of the public water supply through a specified service connection, the backflow preventer of an approved type and design shall be furnished and installed in accordance with the city specifications. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.140 Private fire protection facility tap fees.

Fees for taps for private fire protection facilities shall be charged in accordance with resolution of the City Council as per Title 1 of this code.(Ord. No. 5B-97, Enacted, 05/20/97)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.150 Construction responsibilities.

The city shall make the physical tap on the water main and furnish and install the water meter, and the

applicant at his sole expense, shall obtain a city permit for improvements in public places, provide the trench, service line pipe, conduit for remote reader units where required, pressure reducing valves where required, backflow preventer where required, and shall install same and backfill trench, all in accordance with the specifications of the city. It shall be the responsibility of the applicant to provide the trench in accordance with OSHA standards and safe in the opinion of the city personnel making the physical tap. The applicant shall backfill the trench to a minimum of 95% of standard proctor and provide reports of compaction testing from a qualified engineer or testing lab, or warranty the work and agree to repair the street, at the applicants sole expense, in the event of any settlement, for a period of two years. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.160 Connection surcharge.

To defray the cost of making the physical tap and installing meters, the following surcharges shall be added to the development fees as per Title 1 of this code. (Ord. No. 5B-97, Enacted, 05/20/97)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.170 Connection fee disposition.

All development fees upon delivery to the city treasurer, shall be deposited to the credit of a water development fund, to be made available for the purpose of paying water development debt service only. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.180 Service deposit and refund.

A. Along with the application for utility service, the applicant therefor may be required to pay to the city a deposit in an amount equal to the charges for an average two-month period; provided, however, that in the event the service increases to a point where the deposit is not equal to the charges for an average two-month period, the required deposit may be increased to conform thereto.

B. Refunds of deposits made for utility service shall be made upon the termination of the utility service only after payment of all indebtedness to the city for the utility service. Application of the deposit may be made in partial or total settlement of accounts when the supply is cut off for nonpayment of the bill, or for any infraction or violation of any ordinance, rule or regulation of the city relative to utility services offered by the city. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.190 Water fee disposition.

All water fees and fees collected for water services as shall be paid pursuant to the authority of Title 1 of this code shall be segregated, credited and deposited to the account of the water department and shall be used to provide an adequate fund for the replacement of depreciated or obsolescent property; for the extension, improvement, enlargement and betterment of the water system and in furtherance thereof, to pay the principal and interest on all bonds of the city, payable for the extension, improvement, enlargement and betterment of the utility and all such other purposes as the council may direct. (Ord. No. 5B-97, Enacted, 05/20/97)

(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.08.200 Reduction of user rates to prevent freeze-up of water lines.

The city manager may, in his sole discretion, authorize a reduction of water for users to prevent freezing of

lines or such other unusual circumstances as may be determined by the council to warrant such action. (Ord. No. 5B-97, Enacted, 05/20/97)

Section 13.08.210 Surcharge for oversizing.

The city may charge a fee for any water or sewer connection onto a city utility line for the purposes of recovering costs of initial oversizing of such line. Such fee shall be in an amount deemed by the city proportionate to the proposed user's share of the expense of the initial oversizing. This fee shall be in addition to any connection fee previously provided in this chapter. (Ord. No. 5B-97, Enacted, 05/20/97)

Chapter 13.10

WATER USE MANAGEMENT

Sections:

- 13.10.010** **General Water Use Management Plan**
- 13.10.020** **Water Conservation Offenses**
- 13.10.030** **Water Conservation Penalties**
- 13.10.040** **Validity of General Water Use Management Plan**

Section 13.10.010 **General Water Use Management Plan**

The City of Rawlins adopts a water use management plan encompassing four levels of water use and conservation as deemed necessary by the City Manager. These levels are defined as follows and include, but are not limited to the indicators and actions contained therein. It is understood that it is incumbent on the City Manager and staff to use the best management practices approach to defining the level of water use management and to implement the plan accordingly.

Level A:

Indicators:

1. All reservoirs are at least 90% full on May 1.
2. Snow Pack on April 1 at or above 110% of average.
3. Spring Flow is at 1.5 MGD or more on April 1.
4. Miller Hills Wells are off and have been off for at least five previous months.
5. No restrictions on Platte River or Sage Creek

Actions: None

Level B:

Indicators:

1. Reservoir capacity is less than 75% on May 1
2. Sage Creek Springs are less than 1.5 MGD on April 1
3. Snow Pack is less than 100 % of Average on April 1
4. Miller Hills wells are on April 1 or have been used in the last five months.
5. No Restrictions of Platte River of Sage Creek

Recommended Actions:

1. Institute voluntary conservation measures by City facilities
 - I.* a) All irrigation by City facilities and by City water customers will be limited to times before 9:00 AM daily and after 6:00 PM daily.
 - II.* b) Limit city owned irrigation to every other day

Level C:

Indicators:

1. Reservoir Capacity less than 50% on May 1
2. Sage Creek Springs less than 1.4 MGD on April 1
3. Snow Pack less than 80 percent of average on April 1
4. Miller Hills Wells have been on or used extensively in last five months
5. Calls are placed on Junior Users in Platte River and Sage Creek Basin

Recommended Actions:

1. All outside watering will be limited to those times and days as defined by the City Manager.
2. The City Manager has the authority to close recreation fields until situation improves

Level D:

Indicators:

1. Reservoir Capacity less than 40 % on May 1
2. Sage Creek Springs less than 1.4 MDG on April 1
3. Snow Pack less than 70% of average on April 1
4. Miller Hills Wells have been used extensively in last five months
5. Daily Water Demand in City exceeds 3 MGD
6. Senior User calls out Sage Creek Water

Recommended Actions:

1. All outside irrigation is prohibited.
2. Outside car washing and using water to clean driveways and sidewalks prohibited.
3. Flyers go out to all users to encourage water saving devices such as low-flow toilets, low flow showerheads, etc.
4. City may refuse to turn on individual sprinkler systems or turns them off if they are on.
5. Any consumer or other person violating any provisions of section 13.10.010 shall first be issued a warning citation by a designated official with Public Works.
6. Any consumer or other person violating any of the provisions of section 13.10.010 upon first conviction, may be punished by a minimum fine of not less than Two Hundred Fifty Dollars (\$250.00); upon a second and each subsequent conviction of such consumer or other person for a violation of any of said provisions that occurred during the Effective Period of this level of conservation, such consumer or other person may be punished by a fine of not less than five hundred dollars (\$500.00); upon a third and each subsequent conviction of such consumer or other person for a violation of any of said provisions, during the Effective Period of this level of conservation, in addition to such minimum fine, the city may install a flow restrictor device on the applicable water service pipe for the duration of the conservation period, to limit water use to health and sanitary purposes only. The City shall designate an enforcement officer from Public Works to issue citations to the offending customer.
7. An inverse block rate for water may be instituted as follows:
Residential customers will be charged the prevailing rate for water use up to 6000 gallons per month.
Residential customers who use between 6000 gallons per month and 20,000 gallons per month will be charged a 25% surcharge on their water use.
Residential customers who use over 20,000 gallons per month will be charged a 100% surcharge for their water use.
Commercial, Industrial and Livestock customers will be individually evaluated for water use. No additional charges will be made for standard indoor use; however, excessive outdoor use will be charged a 25% surcharge for water use in excess of 20 percent over average winter use, and 100% surcharge will be imposed for water use in excess of 50% over average winter use. (Ord. 05a-03, 5/6/03)

Section 13.10.020 Water Conservation Offenses

The following offenses shall apply when notice has been given to the general public that the water situation is determined to be Level D:

- (a) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer or allow any person to irrigate, sprinkle, or otherwise

apply water to any lawn or other area of land in a manner that allows water to be cast upon or migrate onto a paved area or onto any other area not covered by vegetation.

(b) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer or allow any person to wash any paved area with a hose.

(c) It shall be unlawful for any consumer or other person, or for the owner of any property to cause, permit, suffer or allow any person to operate any fountain or other ornamental landscape feature or improvement that uses water as a part of its operation.

(d) It shall be unlawful for any consumer or other person to use a hose to wash any structure, motor vehicle or boat on or within property used for residential purposes.

(e) It shall be unlawful for any consumer or other person to use a hose for the conveyance of water on any property unless the hose is equipped with an automatic shut-off valve.

(f) It shall be unlawful for the owner of any property to fail to repair any leaking plumbing equipment or apparatus located on or within the property at the earliest practicable time after discovery of a leak.

(h) Notwithstanding any other provision of this section, any consumer may, prior to engaging in any activity prohibited by section 13.10.010 or this section, apply to the City Manager for a permit to engage in any of the activities otherwise prohibited by section 13.10.010 or this section. Any such application shall be in writing and shall state with specificity any asserted peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the consumer that may be caused by compliance with the requirements of this section. Upon receipt of such an application, the City Manager may, in writing, permit and authorize any activity otherwise prohibited by section 13.10.010 or this section upon a finding that good cause has been shown that compliance by the consumer with the requirements of section 13.10.010 or this section will cause peculiar and exceptional difficulties to, or an undue hardship upon the consumer, provided however, that

- I. 1. Any such permit shall authorize only such activities that are the minimum necessary to alleviate such practical difficulties or undue hardship upon the consumer;
- II. 2. Any such permit may be granted without substantial detriment to the public good and without substantial impairment of the city's water supply;
- III. 3. The circumstances found to constitute such practical difficulties or undue hardship were not created by the consumer, are not due to or the result of general conditions in the city and cannot be practically corrected.

(j) The provisions of this section shall apply to all real property within the City of Rawlins, whether publicly or privately owned, and all land outside of the City of Rawlins that is served by the city's water utility system. The provisions of this section may be enforced with respect to land located outside of the City of Rawlins by a suit for injunctive relief in a court of competent jurisdiction. Notwithstanding the foregoing, the testing of fire hydrants or fire sprinkler systems shall be exempt from the provisions of this section. (Ord. No. 05a-03, 05/06/03)

(05a-2003, Amended, 05/09/2003)

Section 13.10.030 Water Conservation Penalties

Any consumer or other person violating any of the provisions of section 13.10.020, upon first conviction, shall be punished by a minimum fine of not less than one hundred dollars (\$100.00); upon a second conviction of such consumer or other person for a violation of any of said provisions that occurred during

the Effective Period of this Ordinance, such consumer or other person shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00); upon a third and each subsequent conviction of such consumer or other person for a violation of any of said provisions, during the Effective Period of this Ordinance, such consumer or other person shall be punished by a fine of not less than Five Hundred Dollars (\$500.00).

(05a-2003, Amended, 05/06/2003)

Section 13.10.040 Validity of General Water Use Management Plan

Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the City Council of the City of Rawlins that such invalid or unenforceable provisions are severable.

(05a-2003, Amended, 05/06/2003)

Chapter 13.12

SEWER USE REGULATIONS

Sections:

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Section 13.12.010 Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

1. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter.
2. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
4. "City" means the city of Rawlins, Carbon County, Wyoming.
5. "Easement" means an acquired legal right for the specific use of land owned by others.
6. "Floatable oil" means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

7. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
8. "Industrial wastes" means the wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.
9. "May" is permissive.
10. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.
11. "Person" means any individual, firm, company, association, society, corporation or group.
12. "PH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
13. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
14. "Public sewer" means a common sewer controlled by a governmental agency or public utility.
15. "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
16. "Sewage" means the spent water of a community. The preferred term is "wastewater."
17. "Sewer" means a pipe or conduit that carries wastewater or drainage water.
18. "Shall" is mandatory.
19. "Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration or flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.
20. "Storm drain" or "storm sewer" means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
21. "Superintendent" means the superintendent of wastewater facilities, and/or of wastewater treatment works of the city or his authorized deputy, agent or representative.
22. "Suspended solids" means the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
23. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
24. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial building, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.
25. "Wastewater facilities" means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
26. "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or wastewater treatment plant or water pollution control plant.
27. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 7-79 § 1 (part): prior code § 28-25)

Section 13.12.020 Unsanitary deposits prohibited.

It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste. (Ord. 7-79 § 1 (part): prior code § 28-26(a))

Section 13.12.030 Polluted discharge to natural outlet prohibited.

It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 7-79 § 1 (part): prior code § 28-26(b))

Section 13.12.040 Privy, septic tank or cesspool prohibited.

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater. (Ord. 7-79 § 1 (part): prior code § 28-26(c))

Section 13.12.050 Connection to sewer system required.

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at the owner(s) expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty days after the date of official notice to do so; provided, that the public sewer is within four hundred feet of the property line. (Ord. 7-79 § 1 (part): prior code § 28-26(d))

Section 13.12.060 Private disposal system--Authorized.

Where a public sanitary sewer is not available under the provisions of Section 13.12.050, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Sections 13.12.060 through 13.12.120. (Ord. 7-79 § 1 (part): prior code § 28-27(a))

Section 13.12.070 Private disposal system--Permit--Required.

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the building official. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the building official. A permit and inspection fee established by resolution of the City Council as per Title 1 of this code shall be paid to the city at the time the application is filed. (Ord. 7-79 § 1 (part): prior code § 28-27(b))
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.12.080 Private disposal system--Permit--Inspection.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the building official. The building official shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the building official when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within ninety-six hours of the receipt of notice by the building official. (Ord. 7-79

§ 1 (part): prior code § 28-27(c))

Section 13.12.090 Private disposal system--Design standards compliance.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the state. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty-two thousand square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 7-79 § 1 (part): prior code § 28-27(d))

Section 13.12.100 Private disposal system--Discontinuance when public sewer available.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 13.12.050, a direct connection shall be made to the public sewer within sixty days in compliance with this title, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. (Ord. 7-79 § 1 (part): prior code § 28-27(e))

Section 13.12.110 Private disposal system--Maintenance.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 7-79 § 1 (part): prior code § 28-27(f))

Section 13.12.120 Private disposal system--Health officer duties.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. 7-79 § 1 (part): prior code § 28-27(g))

Section 13.12.130 Building sewer permits.

A. There shall be two classes of building sewer permits, for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the building official.

B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

C. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless the connection is approved by the superintendent for purposes of disposal of polluted surface drainage. (Ord. 7-79 § 1 (part): prior code § 28-28)

Section 13.12.140 Sewer tapping permits.

A. No person shall tap or make any connection with, nor shall any city officer or employee permit any person to make any connection or tap with a sanitary sewer main until there has first been issued a permit for the tapping of any sanitary sewer main, and until all fees have been paid in advance as established in Title 1 of this code.

B. Every person desiring to tap or make any connection with a sanitary sewer main of the sanitary sewer system of the city shall make application therefor to the building official upon forms to be provided therefor and which shall be approved by the building official, who shall describe the appropriate fee established by resolution of the City Council as per Title 1 of this code for the permit. Upon approval thereof, the building official shall issue a tapping permit and collect the fee therefor in advance.

C. The fees which shall be charged for a permit to tap or make any connection with any sanitary sewer main belonging to the city shall not be construed to be payment for any of the services from the sewer main to the point of use which costs shall be borne entirely by the permittee. All materials used shall be issued concurrently with the building permit. (Ord. 7-79 § 1 (part): prior code § 28-29)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.12.150 Unpolluted water discharge prohibited.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent. (Ord. 7-79 § 1 (part): prior code § 28-30(a))

Section 13.12.160 Stormwater and unpolluted industrial cooling water discharge.

Stormwater other than that exempted under Section 13.12.150 and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city engineer. Unpolluted industrial cooling water or process waters may be discharged, on approval of the city engineer, to a storm sewer or natural outlet. (Ord. 7-79 § 1 (part): prior code § 28-30(b))

Section 13.12.170 Prohibited discharges designated.

No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantities, either singularly or by interaction with other wastes to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant;
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 10F-79 § 1; Ord. 7-79 § 1 (part): prior code § 28-30(c))

Section 13.12.180 Discharge limits.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as

to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Centigrade);

B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin;

C. Wastewater from industrial plants containing floatable oils, fat or grease;

D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the superintendent for such materials;

F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the superintendent;

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;

H. Quantities of flow, concentrations or both which constitute a slug as defined in this chapter;

I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and the treatment processes. (Ord. 7-79 § 1 (part); prior code § 28-30(d))

Section 13.12.190 Hazardous substance handling.

A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.12.180, and which in the judgment of the superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

B. When considering the above alternative, the superintendent shall give consideration to the economic impact of each alternative on the discharger. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent. (Ord. 7-79 § 1 (part); prior code § 28-30(e))

Section 13.12.200 Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are

necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in subsection C of Section 13.12.180, or any flammable wastes, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. (Ord. 7-79 § 1 (part): prior code § 28-30(f))

Section 13.12.210 Pretreatment or flow-equalization facility maintenance.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense. (Ord. 7-79 § 1 (part): prior code § 28-30(g))

Section 13.12.220 Industrial waste sampling facilities.

When required by the superintendent, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. 7-79 § 1 (part): prior code § 28-30(h))

Section 13.12.230 Information to be provided on request.

The superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- A. Wastewaters discharge peak rate and volume over a specified time period;
- B. Chemical analysis of wastewaters;
- C. Information on raw materials, processes and products affecting wastewater volume and quality;
- D. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- F. Details of wastewater pretreatment facilities;
- G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. 7-79 § 1 (part): prior code § 28-30(i))

Section 13.12.240 Testing methods.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the superintendent. (Ord. 7-79 § 1 (part): prior code § 28-30(j))

Section 13.12.250 Special agreements authorized.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment. (Ord. 7-79 § 1 (part): prior code § 28-30(k))

Section 13.12.260 Damaging facilities prohibited.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 7-79 § 1 (part): prior code § 28-31)

Section 13.12.270 Inspector powers.

A. Any other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this title.

B. Any duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

C. While performing the necessary work on private properties referred to in this section, any duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

D. Any authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 7-79 § 1 (part): prior code § 28-32)

(Ord. 11-2007, Amended, 11/06/2007)

Section 13.12.280 Penalties for violations.

A. Any person who violates the regulations of this chapter is guilty of a misdemeanor and shall be subject to the penalties found in Section 1.08.010. Each day for which a violation continues constitutes a separate offense.

B. In addition to the penalties specified in subsection A, any person who violates the regulations of this chapter shall be liable to the city for any expense, loss or damage occasioned by the city as a result of the violation. (Ord. 3B-91: Ord. 7-79 § 1 (part): prior code § 28-33)

Chapter 13.16

SEWER RATES AND FEES

Sections:

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| 13.16.020 | Determination of operation and maintenance costs. |
| 13.16.030 | Determination of wastewater contribution percentage. |
| 13.16.040 | Determination of surcharges. |
| 13.16.050 | Determination of service charge. |
| 13.16.060 | Service charge statement. |
| 13.16.070 | Review of service charge. |
| 13.16.080 | Rates and charges establishment. |
| 13.16.090 | Rate notice. |
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Section 13.16.010 Purpose.

The purpose of this chapter is to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and SS), volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class). (Ord. 7-79 § 1 (part): prior code § 28-41(a))

Section 13.16.020 Determination of operation and maintenance costs.

The city engineer shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance during the service life of the treatment works for which the works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. (Ord. 7-79 § 1 (part): prior code § 28-41(b))

Section 13.16.030 Determination of wastewater contribution percentage.

A. The director of planning shall determine each user's average daily volume of wastewater, which has been discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system, to determine each user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The director of planning shall determine each user's average daily poundage of five-day twenty-degree Centigrade biochemical oxygen demand (BOD) discharged to the wastewater system to determine each user's BOD contribution percentage.

B. The director of planning shall determine each user's average suspended solids (SS) poundage which has been discharged to the wastewater system which shall then be divided by the average daily poundage of all suspended solids discharged to the wastewater system to determine the user's suspended solids contribution percentage. Each user's volume contribution percentage, BOD contribution percentage and suspended solids contribution percentage shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, of the total five-day twenty-degree Centigrade BOD and

of the suspended solids, respectively. (Ord. 7-79 § 1 (part): prior code § 28-41(c))
(Ord. 11-2007, Amended, 11/06/2007)

Section 13.16.040 Determination of surcharges.

The director of planning will determine the average suspended solids (SS) and biochemical oxygen demand (BOD) daily loadings for the average residential user. The city will assess a surcharge rate for all nonresidential users discharging wastes with BOD and SS strengths greater than the average residential user. The users will be assessed a surcharge sufficient to cover the costs of treating the user's above-normal strength wastes. (Ord. 7-79 § 1 (part): prior code § 28-41(d))
(Ord. 11-2007, Amended, 11/06/2007)

Section 13.16.050 Determination of service charge.

Each nonresidential user's wastewater treatment cost contributions as determined in Sections 13.16.030 and 13.16.040 shall be added together to determine the users' annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The city council may classify industrial, commercial and other nonresidential establishments as a residential user; provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, suspended solids and BOD. (Ord. 7-79 § 1 (part): prior code § 28-41(e))

Section 13.16.060 Service charge statement.

The city shall submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water utility billing. The city shall add a penalty of one and one-half percent per month if the payment is not received by the city within fifteen days. Should any user fail to pay the user wastewater service charge and penalty within three months of the due date, the city may stop the wastewater service to the property. (Ord. 7-79 § 1 (part): prior code § 28-41(f))

Section 13.16.070 Review of service charge.

The city shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established in this chapter and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present at a regularly scheduled meeting of the city council, such factual information and the city shall then determine if the user's wastewater contribution percentage is to be changed. (Ord. 7-79 § 1 (part): prior code § 28-41(g))

Section 13.16.080 Rates and charges establishment.

The city council shall by ordinance establish all sewer service charge rates, surcharge rates and any changes thereto. (Ord. 7-79 § 1 (part): prior code § 28-41(h))

Section 13.16.090 Rate notice.

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 7-79 § 1 (part): prior code § 28-41(i))

Section 13.16.100 Tapping fees.

Tapping fees shall be established by the City Council as per Title 1 of this code.
(Ord. 2A-80 § 1; Ord. 1-80 § 1; Ord. 7-79 § 1 (part): prior code § 28-42)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.16.110 Service rates designated.

It is the intention of this section to authorize the establishment of a uniform rate structure for the use of the municipal sanitary sewer by the various residents, businesses and other users. There is hereby levied and assessed upon each lot, parcel of land, building, hereinafter referred to as situated within the service area of the city, and having a connection to the municipal sanitary sewer system, a service charge in the amount established by resolution of the city council as per Title 1 of this code . (Ord. 1-93; Ord. 6B-87 § 1; Ord. 7D-80 § 1; Ord. 11-79 § 1: prior code § 28-43) (Ord. No. 8-94, Amended, 08/02/94; Ord. No. 07-03, Amended, 07/01/03; Ord. No. 06a-07, Amended, 06/19/07)
(Ord. 08a-2008, Amended, 08/19/2008; 06a-2007, Amended, 06/19/2007; Ord. 07-2003, Amended, 07/01/2003)

Chapter 13.18
STORM SEWERS

Sections:

- 13.18.010 Storm Sewer Connection Permits.**
- 13.18.020 Storm Sewer Connection Fees.**
- 13.18.030 Standards.**

Section 13.18.010 Storm Sewer Connection Permits.

A. No person shall tap or make any connection with, nor shall any City officer or employee permit any person to make any connection or tap with a City storm sewer until there has first been issued a permit for the connection or tap of any storm sewer, and until all fees as established in Title 1 of this code have been paid in advance.

B. Every person desiring to tap or make any connection with a City storm sewer shall make application therefore to the building official upon forms to be provided therefore and which shall be approved by the building official, the appropriate fee will be established by resolution of the City Council as per Title 1 of this code for the permit. Upon approval thereof, the building official shall issue a permit and collect the fee therefore in advance.

C. The fees which shall be charged for a permit to tap or make any connection with any City storm sewer shall not be construed to be payment for any of the services from the City storm sewer to the point of use, which costs shall be borne entirely by the permittee. All materials used shall be issued concurrently with the building permit. (Ord. No. 10-93, Enacted, 10/05/93)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.18.020 Storm Sewer Connection Fees.

Storm sewer development fee for the privilege of tapping or connecting to the City storm sewer system shall be established by Resolution of the City Council as per Title 1 of this code. (Ord. No. 10-93, Enacted, 10/05/93)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 13.18.030 Standards.

A. Separate sewers shall be provided for collection of stormwater and wastewater. Roof, areaway, drive or foundation drains shall not be connected to sanitary sewers.

B. All applicable Wyoming Department of Environmental Quality and Federal Environmental Protection Agency Regulations will be met.

C. Wyoming Public Works Standard Specifications (1993) will be used for construction specifications.

D. A plan, drawn to scale, shall be submitted for each permit. This plan will show all pertinent features including but not limited to structures, storm sewer, curb, gutter, and other utilities. (Ord. No. 10-93, Enacted, 10/05/93)

Chapter 13.20

GOVERNMENT ACCESS TELEVISION CHANNEL REGULATIONS AND FEES

Sections:

- 13.20.010** **Establishment of regulations and fees.**
- 13.20.020** **Television board created.**
- 13.20.030** **Membership, appointment, terms, removal and vacancies.**
- 13.20.040** **Duties of the television board.**
- 13.20.050** **Expenditure of funds.**
- 13.20.060** **Fees for advertising.**

Section 13.20.010 **Establishment of regulations and fees.**

Regulations for broadcasting and fees and regulations for advertising on the community television channel shall be as established by Resolution of the City Council. (Ord. No. 11-93, Enacted, 11/02/93)

Section 13.20.020 **Television board created.**

There is created an official community television board to promote the health, safety, order and general welfare of the city and to establish efficiency, economy and variety in the use of the governmental access television channels available to the city. (Ord. 4-88 (part))

Section 13.20.030 **Membership, appointment, terms, removal and vacancies.**

The community television board shall be composed of nine members who shall be qualified electors of the city. The members shall be appointed in accordance with the current city policy for appointments to boards and commissions for terms of three years; provided, however, that of the members initially appointed there shall be appointed for each one, two and three years. Members may be reappointed and removed in accordance with current city policy, as is the case with the filling of vacancies. (Ord. 4-88 (part))

Section 13.20.040 **Duties of the television board.**

It shall be the duty of the board, subject to the approval of the council, to perform the following functions:

- A. Establish and update guidelines for the operation, maintenance and utilization of the community television channels;
- B. Establish and maintain a schedule of use for the channels, taking into account the needs and desires of the community, available material and cost.
- C. Annually prepare a budget of anticipated expenses and revenue for the ensuing fiscal year and present such to the city manager not less than ten days prior to the city council meeting scheduled for voting on the budget. (Ord. 4-88 (part))

Section 13.20.050 **Expenditure of funds.**

All money collected from advertising, appropriated by the council or received grants, gifts or other sources shall be deposited with the city finance director to the credit of the community television fund and shall only be paid out on warrants with the approval of the city council. An estimate of the commission for the ensuing fiscal year, including itemized expenses, amounts and purposes, shall be filed with the city

clerk no later than ten days prior to the council meeting scheduled for approval of the city budget. (Ord. 4-88 (part))

Section 13.20.060 Fees for advertising.

Fees for advertising shall be established by resolution of the City Council as per Title 1 of this code.

(Ord. 4-88 (part))
(Ord. 08a-2008, Amended, 08/19/2008)