

TOWN OF CLEARMONT

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ORDINANCE #124-2025 PUBLIC UTILITIES

AN ORDINANCE OF THE TOWN OF CLEARMONT TO DEFINE AND UPDATE ALL UTILITY CODES AND REGULATIONS Effective May 1, 2025

Section 1.

Chapter 1 UTILITY REGULATIONS, RATES AND CHARGES

SECTION:

- 6-1-1: Water Meters, Installation and Maintenance
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6-1-1: WATER METERS, INSTALLATION AND MAINTENANCE

- A. Installation by Town Required: The water operator is hereby directed and authorized to install a water meter, which shall be furnished by the town, on all premises where water is drawn from the water main of the town and to examine, inspect, repair, and replace such meters. In the event a water consumer shall refuse to permit a meter to be installed on the premises upon which he intends to use water, the water will be discontinued. The consumer shall not be entitled to draw water from the town water system until such meter is installed. (Ord.99, 5-15-2006; amd. 2015 Code)
 - 1. Use of Private Wells: No consumer shall connect their property/system to a private well or any other water source of any kind. No cross connections may be made into any part of the potable water system under any conditions. No consumer, eligible to receive water and sewer service from the town, shall drill and/or complete a well without written consent from the town council.
- B. Maintenance by Consumer: Water consumers shall protect their water meters from all elements of weather; water meters shall be installed to be out of frost danger and water consumers shall continue to protect them. Meters needing replacement due to neglect of the consumer will be at the expense of the consumer at the rate of replacement cost. (Ord. 99, 5-15-2006)

6-1-2: APPLICATION FOR WATER, SEWER, AND GARBAGE SERVICES:

Every person desiring water, sewer and garbage service must make application to the Town upon forms to be furnished by the Town Clerk for that purpose. The applicant must state fully and truly for what purpose, and all uses to which the water is to be applied, and no different or additional use will be allowed except by permission. (Ord.99, 5-15-2006; amd. 2015 Code)

6-1-3: WATER AND SEWER FROM PREMISES OF ANOTHER PROHIBITED:

Each premises shall have its own water and sewer line connected to the town's water and sewer mains. No connection with the water and sewer system shall be made by extending the service line from one

premises to another premises, even if such premises is owned by the same person or entity. (Ord.99, 5-15-2006; amd. 2015 Code)

6-1-4: CONDITIONS FOR WATER AND SEWER SERVICES:

- A. Water and Sewer services will not be turned on into any house or private service pipe, except upon the order of approval from the water/sewer operator. All new water and sewer service lines, connections, and piping from the water main and/or sewer main to the property line must be constructed from materials approved by the water/sewer operator. Any upgrades or new services are required to have backflow prevention devices in place before service is authorized at the expense of the property owner. All high-risk services will be equipped with testable backflow prevention devices in accordance to with the State Department of Environmental Quality rules and regulations. Plumbers are strictly prohibited from turning on the water/sewer into any service pipe except on the order or permission of the water/sewer operator. The property owner is responsible for all costs of installation or repair from the water/sewer main to their property. (Ord.99, 5-15-2006; amd. 2015 Code)
- B. Refusal of Service or Modification of Standard: The town may decline to serve any customer until he/she has complied with the state regulations governing water service and all pertinent rules and regulations of the municipal water system. The town may decline to serve, increase the size of the service connection or provide water at a given pressure at a given point of use if, in the opinion of the chief operator or his designee, the town does not have adequate facilities or system pressure to accommodate the service applied or if the desired service is of a character likely to unfavorably affect service to other customers. The town may refuse to service a customer, if in its opinion, the customer's plumbing or equipment is such that satisfactory service cannot be given or if in the town's opinion, the provision of service to that customer may not be in the best interests of the town. All commercial and industrial users shall be required to pay for backflow prevention.

6-1-5: INSTALLATION STANDARDS:

- A. A curb stop accessible from the surface of the ground must be installed at the property line. The water/sewer operator, prior to installation, must approve curb stop and all materials used. The curb stops and other appurtenances must be sufficiently strong to bear the pressure and the run of the water from the main. The Town of Clearmont will bear the responsibility to maintain all curb stops. Consumers must keep curb stops to their property or dwelling visible and accessible. Consumers may not cover the curb stop with personal property or other material.
- B. All persons taking the water shall keep their own service pipe, stopcocks, and apparatus in good repair, and protect them from the elements of weather, at their own expense, and shall prevent all unnecessary waste of water. Any and all repairs to the service line from the main to the property line are the responsibility of the property owner. If the property owner makes the repair himself or has the same made for him by a contractor, plumber, agent or employee, the repairs must pass inspection by the water/sewer operator.
- C. If street excavation is necessary for installation or repairs, the property owner is responsible for all costs of the street being repaired back to its original condition.
- D. Before any work is done outside of the property line, the water/sewer operator must be contacted and his approval obtained. (Ord.99, 5-15-2006; amd. 2015 Code)
- E. Right of Entry: Every consumer using the water system of this town shall permit the water operator to enter the premises or buildings when requested to examine the pipes and fixtures the manner in which the water is used, and must at all times, frankly and without concealment, answer all questions relative to consumption of water, and the nature of all connections.
- F. Extension Beyond Town Limits:
 - 1. The owner of land requesting the extension of water service beyond the town corporate limits shall request the service in writing. The request shall include the following information:

- a) Location and size of land to which water is to be extended.
 - b) Description of the proposed development.
 - c) Estimated average water demand including low and high use limits.
 - d) Definition of water use and identification of any other water sources that may be appurtenant to that property.
- 2. Further, the owner of land requesting the extension of water service beyond the town corporate limits shall agree to:
 - a) water delivery with no guarantee of pressure
 - b) not drill a well in an aquifer that might impact the town wells; and
 - c) provide the town information related to all wells, domestic or agricultural, on the owner's property. All new wells shall be subject to town's prior approval.
 - d) Use a meter pit or equivalent to protect the meter year around, at the expense of the property owner.
- 3. The extension request shall be reviewed by the town council and, upon its approval of said request, the owner may proceed with the improvements; provided, that all other ordinance requirements are met and there is no expense to the town. The only allowable use of water under this section is for domestic purposes. The town is responsible for the quality of the water but does not guarantee the quantity or the pressure of water.

6-1-6: REPAIR OF LEAKS:

In the event a leak occurs, when it is not possible to determine by surface inspection whether said leak is on the water main or service line, and repair work is done by the Town, and if, upon exposure, the leak is discovered to be located anywhere from the main, on a service line, onto the individuals property, the expense of repair is to be borne by the property owner, and the Town shall bill the property owner for its expense in making said repair, or for its work in making said repair. (Ord. 99, 5-15-2006)

6-1-7: UTILITY CONNECTION CHARGE:

- A. In all cases where a charge is provided by law for making a connection to the water and sewer utility, the amount of the charge shall be tendered to the town when the application for the permit is approved and paid. The consumer shall pay the town utility tap fees of:
 - 1. Tap fees to main line: Eight hundred dollars (\$800.00) for water.
 - 2. Tap fees to main line: Eight hundred dollars (\$800.00) for sewer.
- B. These fees will be paid in full before any services will be turned on.
- C. Utility rates will be based on zoning according to the zoning regulations of the Town of Clearmont. If your property is zoned residential you will be charged a residential rate. Property zoned commercial will be charged a Commercial rate. Rates may be changed depending on the circumstances. (Ord. 99, 5-15-2006)

6-1-8: CONNECTIONS BY QUALIFIED INDIVIDUALS:

- A. When consumer water and sewer lines are connected to the town main lines, the consumer shall agree that only reputable, qualified individuals or firms will do the work. Proof of qualifications shall be provided to the mayor or water/sewer operator before any work commences. (Ord.99, 5-15-2006; amd. 2015 Code)
- B. In the event damage occurs to the town's main lines as a result of such connections, the consumer shall be liable for such damage and shall be required to pay the complete charge for repairs to the damage. (Ord. 99, 5-15-2006)

6-1-9: ENFORCEMENT; NONLIABILITY OF TOWN:

The mayor is hereby authorized and directed to deny utility service from the town public works to any consumer who fails to comply with the requirements of this chapter, any willful and intentional violation of this chapter. The town shall not and will not be liable for not providing service to residents of the town. (Ord. 99, 5-15-2006)

- A. Water Conservation due to shortages: In the event of shortages or loss of pressure, the town council is authorized to restrict, or limit uses allowed, means of water delivery, quantities that

may be used, and hours of use and impose such restrictions and limitations as may be necessary. In the event the total water supply shall be insufficient to meet all the needs of the consumers, the town may prorate water available amount various users on such basis as is deemed equitable by the town, and may also prescribe a schedule of hours covering the use of water for irrigation purposes, or prohibit the use of water for irrigation purposes if at any time the total water supply or available water source and artesian pressure shall be insufficient to meet all the needs of the consumers for domestic, livestock, irrigation or other purposes. The order of priority of uses shall be a) fire suppression; b) domestic use; c) commercial use; d) livestock; e) industrial; f) irrigation and g) other purposes.

6-1-10: SEWER SYSTEM:

- A. Definition: The term “sewage system” as used in this section means and includes any and all of the following: a sewage treatment plant; collecting, intercepting and outlet sewers; force mains conduits; pumping stations; ejector stations and all other appurtenances or improvements necessary or useful for the collection, treatment and disposal in a sanitary manner of sewage and industrial wastes.
- B. Connection Compulsory: Every building or structure within the town in which water is used or available for domestic, commercial, or other purposes and every building or structure from which sewage is discharged must be connected with the town public sewer system. (Ord. 99, 5-15-2006)
- C. Sewer Connections: All consumer connections to the sanitary sewer mains shall be made by and at the expense of the consumer. The connection must be inspected and approved by the mayor or water/sewer operator before the consumer will be allowed to use the town sewer main
- D. Installation at Expense of Owner: The owner of the property shall pay for installation and connection. (Ord. 99, 5-15-2006; amd. 2015 Code)
- E. Street Excavation: If street excavation is necessary for installation or repairs, the property owner is responsible for all costs of the street being repaired back to its original condition. (2015 Code)

6-1-11: BILLING; RATES AND FEES

- A. Utility Service Deposit is required for water, sewer, and garbage services. A deposit is intended to guarantee payment of current bills and must be paid in full before services begin. The required deposit shall not exceed the amount the consumer’s average estimated bill for three months of highest use, based on the premise’s bills during the immediate previous 12-month period. Monthly rates of utility services shall be assessed to recover the costs of operation, maintenance of systems, debt service and replacement fund for utility services and facilities. Rates are determined and billed to consumers based on services made available to each dwelling.
 - 1. To be eligible for a Utility Deposit Refund, the consumer must submit in writing their request for a refund if the following conditions are met:
 - a. Property Owner of the dwelling. Tenants of rentals are referred to A-4.
 - b. Good payment record for a minimum of 18 months prior to refund request
 - i. No Late Payments received
 - ii. No Reminder Notices and Late Invoices sent due to non-payment
 - iii. No Shut-off or Disconnect initiated by the Town Clerk or Council
 - c. A list of customers eligible for a utility deposit refund will be reviewed and approved by the Town Council.
 - 2. If, after receiving a deposit refund for a good payment record, your monthly payments are received late, not paid in full or a payment reminder notice has been sent, a new utility deposit will be required.
 - 3. If, after receiving a deposit refund for a good payment record, you receive a shut-off and/or disconnect notice, an additional utility deposit will be required plus the balanced owed before services will be reconnected.
 - 4. Utility deposits will be returned when the Town Clerk receives notification from the consumer that they are vacating the property or dwelling. The utility deposit will be applied to the final billing and the balance of the deposit, if any, will be refunded to the consumer.

- B. Due Date for Water, Sewer, and Sanitation Fees: Water, sewer and garbage fees levied in accordance with this chapter shall be due and payable in full not later than the 25th of each month for the services provided during the preceding month. The billing cycle will run from the 25th of each month or the closest working day to the 25th for the previous month's usage. Utility services not paid for at the close of the business day on which they fall due, unless such day is a weekend or legal holiday, are delinquent and will be assessed a late fee. There will be a twenty-five (\$25.00) late fee assessed to each account that is not paid in full by the end of the business day on the 25th of each month. All bills must be paid in full, or utilities will be disconnected on the 26th or the closest business day of the following month. The only notice necessary to terminate service shall be one (1) written notice, one day prior to the day of disconnection. Fees shall be paid at the Clearmont Town Hall. Partial payments will prevent utilities from being disconnected.
- C. Failure To Pay Fees; Liability:
1. The Town shall require all property owners as guarantor of rental property to be liable for unpaid utility charges at the rented premises before the Town provides utilities to the rented premises.
 2. In the event a person liable therefor fails to pay either fees for water, sewer, or garbage to the Town when due, then the Town, in addition to any other remedies provided to the Town by law or by ordinance, may terminate water, sewer and garbage services to the person and the property owner/guarantor and take any lawful steps necessary to deny the person and the property owner/guarantor water from the Town waterworks, access to the Town sewerage system, and garbage services.
 3. The property owner/guarantor shall be liable for the water, sewer and garbage service charges assessed against the property by the Town, even if incurred by the agent or tenant of said real property. A lien and/or charge for the balance owed, will be collected in a manner provided by law for other municipal taxes.
- D. Utility Deposit and Rates Enumerated: insert Ordinance #123 effective January 1, 2025
- E. Commercial Garbage: Commercial businesses only, showing proof of another contracted garbage collection service shall be allowed to be exempt from town garbage service.
- F. Fees to Shut off and Reinstate Service Due to Non-sufficient Payment:
1. Discontinuation of services to consumers and the guarantor (if applicable) will be given written notice at least seven (7) days' notice prior to shut-off date. The Town of Clearmont shall attempt to contact the customer either in person or by telephone before discontinuing services during the cold weather period of November 1 to March 31.
 - a. Shut-off Notice shall contain:
 - I. Name of consumer on the utility account
 - II. Amount owed
 - III. Effective date of shut-off
 - IV. Contact information for the Town Hall for information regarding how to avoid services being shut-off.
 2. If any water, sewer, or garbage consumer shall fail to pay all charges as in compliance with this chapter, and has received a written notice and does not pay said bill in full, such consumer in default would be charged:
 - a. Twenty-five dollars (\$25) for water operator to turn services off.
 - b. Pay a new utility deposit fee if deposit was never paid or was returned to customer as credit due to a good payment record in a previous billing cycle.
 - c. Twenty-five dollars (\$25) for water operator to turn services on.
 3. These charges must be paid in advance of reinstating any services to those in default or services shall remain off until compliance with this subsection E is met. (Ord.99, 5-15-2006; amd. 2015 Code; Ord. 112, 6-18-2018; Ord. 114 12-17-2018; Ord. 116, 6-17-2019; Ord. 118, 4-20-2020; Ord. 119, 6-22-2020)

- G. Disconnection Upon Request of a Consumer: The consumer is required to make the request in writing at the Town Hall. Requests must be made on a business day and a minimum of one (1) week prior to disconnect date. The utilities will be prorated for the month in which service is disconnected. If service is not immediately reconnected by a new customer, the property owner/guarantor will be charged a Dry Meter Charge for the service address at half the rate of the current water utility rate. Property owners/guarantors may request in writing the Dry Meter Charge to be waived by the Town Council.
- H. Fees to Disconnect and Reconnect Services due to a Pause in Service:
1. If any water, sewer, or garbage consumer would like to discontinue their use of town utility services due to seasonal reasons (relocation, winter weather, vacancy of dwelling), the following steps are required, and fees shall apply:
 - a. The consumer is required to make the request in writing at the Town Hall. Requests must be made on a business day and a minimum of one (1) week prior to disconnect date.
 - b. The consumer will be responsible for one half (1/2) of their monthly water, sewer, garbage rate for a period **not to exceed six (6) months**. After six (6) months the resident will be responsible for paying the full rate of water, sewer, and garbage utility services.
 - c. Disconnect Fee: Twenty-five dollars (\$25.00) fee will be charged for turning services off.
 - d. Water Utility Service Labor Fee: Twenty-five dollars (\$25.00) fee will be charged if the water operator is required to remove the meter. The customer may remove the water meter at no fee.
 - e. The water meter that is removed must be stored for protection of winter elements. The consumer is responsible for storing the water meter. Negligence by the consumer may result in a replacement at the cost of the consumer.
 - f. The consumer is responsible for contacting the Town Hall when services are to resume.
 - g. Reconnect Fee: Twenty-five dollars (\$25.00) fee will be charged for turning the services on.

Section 2.

Passed, on First reading this 17th day of February 2025.

Passed, on Second reading this 17th day of March 2025.

Amended, Passed, Approved and Adopted on this Third and Final reading on this 21st day of April 2025.

By _____
Mayor, Chris Schock

ATTEST:

Town Clerk, Kirstie Auzqui

Posted at Town Hall, U.S. Post Office, and Clearmont Library April 28, 2025.