

TOWN OF GLENDON

BOX 396

GLENDON, WYOMING 82213

TELEPHONE 307-735-4242

New Customer Information

Name

Service Address

Customer Address

Mailing Address

Phone #s

Email Address

Water Tap Payment Received By & Date Paid

Sewer Tap Payment Received By & Date Paid

Mayor's Signature

Clerk's Signature

Permit #

Receipt Book Recorded #

Water Tap Scheduled Date

Sewer Tap Scheduled Date

Locate Called In Date

Deposit Paid & Date Paid

Receipt Book Recorded #

ORDINANCE 252265

TITLE 12: PUBLIC UTILITIES.

Article I
In General

Sec. 12-1: Authority of Town to provide services.

It is hereby declared to be the public policy of the town to preempt the exclusive power and authority to provide, furnish and distribute unto the citizens and occupants of the Town and residing in or maintaining a place of business within the corporate limits of the Town, all electrical power, all natural gas service, water service, television service, telephone service and other utility services used by the citizens of the Town, required by the citizens or subsequently furnished to the citizens, now or in the future; except such services that shall be provided by persons who have been granted a franchise from the Town.

For state law as to authority of Town to grant utility franchises, see W.S., 2009, § 15-1-103.

Sec. 12-2: Furnishing of services by anyone other than Town or franchised distributor.

No person shall sell, provide, distribute or otherwise furnish electrical power, natural gas service, propane service, telephone service, water for domestic use and service, television service or other public utility service within the incorporated limits of the Town; unless such person or public utility shall have first been granted a franchise and authority therefor to so do by the governing body.

Sec. 12-3: Purchasing services from anyone not franchised.

No person shall purchase, obtain, receive, use or consume any electrical power, any natural gas, telephone service, water for domestic use and service, television service or other public utility service within the corporate limits of the Town, from any source other than the Town or a person or company who shall have first been granted a franchise and authority to so furnish such service by the Town.

Sec. 12-4: Right of Town to acquire property of unfranchised service.

The Town shall have the right to acquire by eminent domain all poles, lines, fixtures, pipelines, mains, and appurtenances of whatever

nature of any electric company, telegraph company, telephone company, gas company, water company, television distributing company, radio distributing company, transportation company and of any other public utility company, association or corporation so providing or undertaking to provide and furnish any of such public utility services within the corporate limits of the town when such public utility, company, association, corporation or otherwise is not then and there the holder of a franchise granted by the Town to so provide such services.

For state law as to authority of Town to exercise power of eminent domain, see W.S., 2009, § 15-1-103.

Sec. 12-5: Deposits for utility service.

The governing body shall from time to time establish the dollar amount which shall be assessed and collected by the Town, prior to the time any utility services are provided by the Town, as a deposit for each commercial service and for each residential service, such deposit shall be retained by the Town until such time as all charges for utilities are paid in full.

All deposits shall be returned upon termination of all utility service and payment of all charges due the Town for anything whatsoever. In the event any amounts are due and owing the Town for anything whatsoever, the charges shall first be deducted from any deposit so held by the Town and the balance refunded to the consumer.

Article II
Fees

Division 1. Generally.

Sec. 12-6: Establishment; billing procedures.

Charges for utility services provided by the Town shall be as set, from time to time, by the Town Council. A copy of each ordinance establishing such charges shall be maintained on file in the office of the Clerk of the Town where it shall be available for inspection by the public during the normal office hours.

Billing and collection procedures shall be as established by the Town Council.

Sec. 12-7: Due date for monthly utility charges; delinquent accounts; reconnection fees.

All charges for water, sanitation, and sewer services and all related charges shall be due and payable at the office of the Town Clerk on the tenth (10th) day of each month following use. Any account not paid in full by the last day of each month shall be deemed delinquent and the Town shall have the right to terminate all services until such time as all delinquent accounts are paid in full. Notice shall be provided and the account and services terminated within forty eight (48) hours. In the event of termination of any services the account shall be brought current and the user shall pay a reconnection fee of forty dollars (\$40.00), provided it is completed during normal Town business hours (M-F), else it shall be double the rate. The user shall also provide two times the normal deposit for utility service to the Town before any services are resumed.

Sec. 12-8: Inspection fees for electrical and plumbing.

The governing body shall from time to time establish the fee to be charged for plumbing inspection for each domestic residence and for every other type of construction shall be paid to the Town at the time a building permit is secured for any construction, remodeling or other activity for which any plumbing inspection is required.

Division 2. Connections.

Sec. 12-9: Connection fees for sewer system - - Enumeration.

The following fees shall be paid for each connection of the electrical service system of the Town when the connection is for single phase service or for connection to the sewer system of the Town:

1. An amount set by the governing body from time to time or the actual costs of material, equipment and labor, whichever is greater, for each residential service.
2. An amount set by the governing body from time to time or the actual cost of materials, equipment and labor, whichever is greater, for any electrical or sewer system connection for any other type of usage not otherwise specified herein.
3. An amount set by the governing body from time to time plus an amount equal to the difference in total cost of construction between single phase electrical service for each connection to the electrical service system of the town for three phase electrical service.

Sec. 12-10: Same - - When payable generally.

All fees shall be paid prior to the time any connection is made to the service systems and in the event of new construction where the facilities are not present all fees shall be paid prior to the commencement of any construction of the facilities which will be required to provide the services.

Sec. 12-11: Same - - When payable for lots, tracts or other parcels in subdivisions; exception.

All connection fees for electrical services to be provided for all lots, tracts or other parcels in subdivisions shall be paid prior to the commencement of any construction of the facilities which will be required to provide the service.

In lieu of payment of all electrical service connection fees in advance of any construction a subdivider may provide collateral acceptable to the town council guaranteeing payment of the electrical service connection fees for all lots, tracts and other parcels in the entire subdivision.

The Town Council shall have the option of demanding payment in full in advance of construction or of accepting a guarantee in lieu thereof.

Sec. 12-12: Same - - Sewer connections.

Connections to the sewer service system shall include connections to the primary sewer service system of the Town and connections to all feeder lines connected thereto, regardless of ownership of the lines.

Sec. 12-13: Same - - Issuance of building permit.

No building permit shall be issued by the Town until all fees assessed pursuant to section 12-10 are fully paid or a guarantee for such payment is approved and accepted by the Town council.

Article III Franchises

Sec. 12-14: Electric Franchise.

1. RM Power, its successors and assigns, is granted a nonexclusive right and franchise to construct, maintain and operate along, across and under the present and future streets, alleys, public places and ways of the Town an

Electric Light and Power System for the purpose of supplying electricity and electric service to the Town of Glendo, the inhabitants thereof, and others.

2. Charges for franchise fees shall be as set, from time to time, by the Town Council. A copy of each ordinance establishing such fees shall be maintained on file in the office of the Clerk of the Town where it shall be available for inspection by the public during the normal office hours.

Sec. 12-15: Telephone Franchise.

1. Qwest (the "Company"), its successors and assigns, is granted a nonexclusive right and franchise to construct, maintain and operate along, across and under the present and future streets, alleys, public places and ways of the Town, poles, wires, cables, underground conduits, manholes and other communication fixtures necessary or proper for the maintenance and operation for the purpose of supplying telephone service to the Town of Glendo, the inhabitants thereof, and others.
2. No poles or other fixtures shall be placed where the same will interfere with any street, roadway or traffic control facilities or with any existing utility facilities and shall be placed in such a manner as to cause a minimum interference with the rights or reasonable convenience of property owners who adjoin any of said streets, alleys or public ways and places.
3. The Company shall, at all times during the life of this franchise, be subject to all lawful exercise of the police power by the Town and to such reasonable regulations as the Town may, by resolution or ordinance, hereafter provide. It is expressly understood and agreed by and between the Company and the Town that the Company shall save the Town harmless from all loss sustained by the Town on account of any suit, judgment, execution, claim or demand whatsoever, resulting from negligence on the part of the Company in the construction or maintenance of its telephone system in the Town. The Town shall notify the Company representative within ten days after the presentation of any claim or demand either by suit or otherwise made against the Town on account of any negligence as aforesaid on the part of the Company.
4. The franchise and rights granted herein shall continue in force and effect until 2016.
5. As consideration for the granting of this franchise, the Company shall pay to the Town, an annual fee in the amount of Two Hundred and Fifty Dollars (\$250.00). Payment shall

be made annually, within sixty (60) days after the end of each calendar year during the term of this franchise. In consideration of the franchise payments provided for, it is understood and agreed by the Company and the Town that these payments shall be in lieu of any and all other license, occupation, franchise or excise taxes, or charges or fees of any nature which might otherwise be levied or collected by the Town from the Company in respect to the Company's telecommunications business within the corporate limits of the Town. Should the Town levy, charge or collect, or attempt to levy, charge or collect any other license, occupation, franchise or excise tax or charges or fees of any nature, the Company's obligation to make franchise payments hereunder shall be reduced to the extent that such other taxes are levied, charged or collected by the Town.

6. The rates which the Company may charge for telecommunications services furnished shall be fixed in accordance with the Company tariffs on file with, and approved by the Wyoming Public Service Commission, to the extent required by the laws and Constitution of the State of Wyoming.
7. The Town shall be responsible for notifying the Company of any annexation of territory into the Town limits within thirty (30) days of such annexation; notice shall include a plat describing the annexed territory. Monthly recurring exchange revenues received from subscribers within the newly annexed area shall be included in the base for computation of payments due to the Town. Such inclusion shall be effective on the first day of the calendar month following the date of the annexation.
8. The opening by the Company, its agents and employees, of any and all streets, alleys, parkways and other public places, and laying or erecting by them of any and all conduits, cables, vaults or other necessary fixtures and equipment shall at all times be subject to and under the rules, regulations and ordinances of the Town of Glendo, and all streets, alleys, parkways or other public places opened shall be restored within fourteen (14) days thereafter unless an extension is granted by the Town, to as good a condition as before work was commenced.
9. This franchise shall terminate, and all acts of the Company hereunder shall cease at the expiration of the term as provided in Section D or on June 30 on any year, provided written notice by either party to the other is served on or before March 31 of such year.

Sec. 12-16: Reserved.

Sec. 12-17: Natural Gas Franchise.

1. In consideration of the benefits to be derived by the Town of Glendo, Wyoming, hereinafter referred to as Town, and its inhabitants from the construction and operation of a gas transmission and distribution system in said Town there be and hereby are granted to Kinder Morgan, a corporation, its successors and assigns, hereinafter collectively referred to as "Company", the right, permission and authority to construct, maintain and operate a gas transmission and distribution system within the limits of said Town, as the same now exists or may hereafter be extended for said purpose there are hereby further granted to Company the right, permission and authority during said period to lay, install, construct, maintain and operate in, under, upon, over, across and along all of the streets, alleys, bridges and public places within the present and future corporate limits of said Town all mains, pipes, services, conduits and structures necessary or convenient for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise for lighting, heating, domestic, industrial and other uses, and for transmitting such gas into, through or beyond the limits of said Town to other cities, villages and customers.
2. This franchise shall be for a period of twenty-five (25) years from and after June 6, 1985.
3. All mains, services, and pipes laid or installed under this grant shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers or other structures already installed, and all such mains, services and pipes shall be installed subject to approval of the Town Council.
4. Company, in doing any work in connection with said mains, pipes and services shall avoid, so far as practicable, interfering with the use of any street, alley or public place, and where the paving or surface of any street, alley or public place is disturbed, Company at its own expense and in a manner satisfactory to the authorized representatives of said Town shall replace such paving or surface in as good condition as before such work was commenced.
5. In event that at any time hereafter said Town shall lawfully elect to change or alter the grade of any street, alley or public place, or to construct new or additional

water or sewer lines, Company, upon being directed by resolution of the Mayor and Council of said Town so to do, shall where the same becomes necessary by reason of said change of grade or construction of water or sewer lines, move or relay its mains or service pipes; provided, Company shall be compensated by Town for costs incurred by Company in moving or relaying its lines or facilities or raising or lowering the same where required by either the construction of new or additional or the replacement of existing water or sewer lines.

6. Company shall have the right to make all such reasonable rules and regulations in the conduct of its business as it may deem necessary or expedient, including meter deposits in such amounts as may be required to assure payment of bills. Company shall make such reasonable extensions of its mains from time to time and shall install service to the curb line where mains are located in a street, and to property line where mains are located in an alley, as may be required to furnish service within said Town to parties making application therefor; but Company shall not be required to make any extension for the purpose of serving any consumer or consumers if Company is, for any reason, unable to obtain an adequate supply of gas to warrant the construction of said extension or will require the installation of more than one hundred feet of mains for each consumer to be served, nor where the estimated revenue to be derived from serving such new consumer or consumers is not sufficient to show an adequate return upon the total additional investment required to serve such consumer or consumers.
7. Company in the construction of said gas system within the limits of said Town shall use tested and approved pipes, material and equipment.
8. Company at all times will keep a map in the office of Company or of the Clerk of said Town, showing the size and location of its mains laid in said distribution system in said Town.
9. In case the available supply of gas shall at any time fail or become insufficient to supply the needs of the public of said Town, or should Company for any reason be unable to furnish the service herein contemplated, or upon the termination of this franchise for any reason whatsoever, Company shall have the right to remove any and all of its pipe and other equipment or property from said Town, but in such event Company shall restore the streets, alleys and other public places to as good condition as before such removal, and will hold said Town harmless from damage and

- expense incident to such removal.
10. Company shall be required, and by the acceptance hereof agrees, to save harmless said Town from and against all lawful claims and demands, and from all loss and expense necessarily incurred as a result thereof, arising out of the negligence of Company in the construction, removal, replacement, inspection or repair of any mains, pipes, services or appliances of Company, or in the use and operation thereof during the term of this franchise.
 11. In consideration of the rights and privileges herein granted, the Grantee shall assess, effective the first billing cycle after this franchise becomes effective, to residential (commonly known as domestic) and commercial customers within the Town of Glendo, Wyoming, a franchise tax or fee of \$0.017 per therm for gas delivered to residential and commercial customers within said Municipality on Grantee's distribution system. Grantee shall pay to the Town Treasurer an annual payment for each year of the franchise's duration an amount equal to the franchise fee or tax funds collected by Grantee hereunder. Payment shall be made on or before March 1st of each year for the preceding year and each such payment shall be accompanied by a statement supporting the payment.

Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which the Town may impose for the rights and privileges herein granted or for the privilege of doing business within the Town and, in the event any such fee, charge, license, tax or assessment shall be imposed by the Town, the payment to be made in accordance with the provisions of this section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Company. Ad Valorem property taxes imposed generally upon all real and personal property within the Town shall not be deemed to affect the obligation of the Company under this section.

12. This Ordinance and the rights, authority and franchise herein and hereby granted shall terminate and be of no further force and effect:
 - a. Unless within six (6) months after final passage of the original Ordinance Company shall file with the Clerk of said Town a written acceptance hereof; also
 - b. If and when, after such acceptance Company shall file with the Clerk of said Town a surrender hereof in

writing.

Sec. 12-18: Reserved
Sec. 12-19: Reserved

Article IV
Water Service

Sec. 12-20: Purpose.

The Town of Glendo shall be the sole provider of water services to the inhabitants of the Town. For the protection of the welfare, health and safety of the people of the Town of Glendo, Wyoming, it is hereby declared to be the public policy that the use of water should be regulated and uniform rates and charges levied for the services provided.

Sec. 12-21: Duties of Council.

The Town Council shall make, alter, or amend such rules and regulations as it shall deem necessary for the proper operation and protection of the water works system of the Town; and shall fix rates for water charges and make regulations for the collection thereof.

Sec. 12-22: Duties of Maintenance Department.

The Maintenance Department Head shall have supervision over the water works of the Town from and including the source of supply and no person shall in any way interfere or tamper with any part of such water works. It shall be the duty of the Town Clerk to bill each user for all water used and to collect all water accounts and penalties under this ordinance.

Sec. 12-23: Connections with Water Mains and Tap Fees.

All connections and taps into or with any water main of the Town or the regulation of any such connection or taps shall be done only by the Maintenance Department Head or under his direction and supervision. Each water user in the Town shall secure a permit which shall cover the items of tapping the main and the laying of service pipe to the water user's property line. The fee for securing and said permit shall be the sum of parts and labor and shall be deposited into the Water Fund of the Town.

Sec. 12-24: Installation and Maintenance of Service Pipes from Water Mains to Water User's Property Line.

The Town shall, at its expense, install service lines from the Town's water main to the water user's property line, provided that the length of the service line for any one water user shall not exceed sixty (60) feet, and shall furnish the necessary water valve therefore and shall further more provide all repairs and maintenance for said service lines and valve.

In the event a user requires a line length greater than sixty (60) feet, from the main, or a line greater than 3/4", the user shall pay all additional costs of installation, including all labor and material costs.

Sec. 12-25: Meters.

All water delivered to any water user shall be measured by approved water meters. The Town shall, at its expense, purchase and install approved water meters on all new connections and shall maintain and repair all water meters now in use, and shall replace all present meters when replacement becomes necessary.

Water meters shall, whenever possible, be installed on municipally owned property and all water meters, wherever installed, shall become the property of the Town. An approved water meter shall be defined to be a standard 3/4 inch meter or the equivalent thereof. In the event that any water user requests the Town to install a larger meter, the user shall be required to pay the additional costs of installation including labor and materials.

Sec. 12-26: Separate Meters.

No more than one residence, apartment house, business, mobile home, trailer house, or other establishment shall be connected to one meter, provided that each mobile home or trailer park shall be considered as one unit and only one meter shall be required.

Sec. 12-27: Meter Inspection.

When deemed advisable, water meters shall be inspected by the Maintenance Department Head, and no person shall tamper with any water meter. If in the opinion of the Maintenance Department Head, any meter has been tampered with, the quantity of water delivered during the month said meter failed to register correctly by reason of said tampering, for and which no reading was obtained, shall be established by the Maintenance Department Head and paid for as hereinafter provided.

Sec. 12-28: Taps Ahead of Meters.

No taps or pipes shall be connected with any water main ahead of any meter, and in the event any pipe is connected with said water main ahead of any meter so that the water drawn by said tap or pipe is not metered, then the Maintenance Department Head is authorized, in addition to other penalties provided for herein, to removed any such tap or pipe at the expense of the owner.

Sec. 12-29: Right of Access.

The Maintenance Department Head, meter reader, Mayor and Council, police officers, and all other officers and inspectors of the Town shall have free access at all reasonable hours to enter any premises where water is used for the purpose of ascertaining any violations of the provisions of this ordinance, and to read or inspect meters.

Sec. 12-30: Deposit and Connection Fees.

Each water user shall pay to the Town of Glendo the following fees for water meter connections:

Deposit of one hundred twenty dollars (\$120.00) per meter. This deposit shall be deposited within the Water Fund of the Town and refunded upon payment of all outstanding balances and discontinuation of service. Any outstanding account balance shall be deducted from the deposit and the balance refunded.

A connection fee of fortydollars (\$40.00) shall be charged for all meter installations, following interruption of service. There shall be no charge for interruptions of service due to line repair.

A removal of the meter and a capping of the water and sewer line to avoid the monthly charges are permitted. The costs to remove the water tap is be the greater of the actual costs incurred for labor and materials or two thousand five hundred dollars (\$2,500.00), plus the actual costs to repair any street damage. The costs to remove a sewer tap is be the greater of the actual costs incurred for labor and materials or one thousand five hundred dollars (\$1,500.00).

Sec. 12-31: Rates.

Each water user shall pay to the Town of Glendo the following monthly rates and charges for water used:

1. Each single family residence or one family unit.
2. Each mobile home or trailer house owner or tenant for each mobile home or trailer house not parked in a mobile home

- or trailer house park.
3. Each mobile home or trailer house park operator, or mobile home or trailer house park tenant or owner, for each mobile home or trailer house parked in a mobile home or trailer house park for a period in excess of thirty (30) days.
 4. Each self service laundry, Laundromat, or other facility open to the public for the purpose of laundering.
 5. Each business other than those specifically provided for herein.
 6. A minimum charge for the meter and first 2,000 gallons - ~~\$25.00~~ **\$30.00**
 7. All water used in excess of 2,000 gallons shall be billed \$1.50 per 1,000 gallons.
 8. Services outside Town of Glendo corporate limit- 1½ times normal rate (for services installed after January 1, 2000).
 9. Any volunteer disconnection shall incur a fee of forty dollars (\$40.00) and fee of forty dollars (\$40.00) to reconnect for Town service, provided the disconnect or reconnect are completed during normal Town business hours, Monday to Friday (excluding holidays), else the fees shall be doubled.

Sec. 12-32: Responsibility for Payment.

Every owner, lessee, tenant, or occupant of the premises on which water is used shall be liable to the Town for the payment of all fees for water used on the premises. The Town Clerk shall be responsible for billing and collection of all water accounts.

Sec. 12-33: Monthly Charge for Meter Failure.

In the event that any water meter shall be found to be defective, the amount of water used shall be established by the Maintenance Department Head and Town Clerk based on past usage and paid for as herein provided.

Sec. 12-34: Hydrants.

No hydrant except those for public drinking purposes and fire hydrants shall be located within the limits of any street or sidewalk. No unauthorized person shall in any manner tamper with, deface, or injure any fire hydrant, nor shall the same be obstructed by any person in any manner so that free access to such hydrant cannot be readily had at any time.

Sec. 12-35: Purchase of Water by Other Users.

~~Commercial users may purchase water, to be metered through a portable~~
No COMMERCIAL water sales.

meter attached to a fire hydrant. The following rates and charges shall apply:

1. A meter deposit will be made in the amount of \$500.00, to be refunded upon return of the meter and approval of it's satisfactory condition by the Maintenance Department Head or his authorized agent.
2. Purchase cost per 1,000 gallons - ~~\$4.00~~ **\$8.00**

Sec. 12-36: Service outside corporate Town limits.

1. Water from the Town water systems may be extended outside the corporate limits of the Town.
2. Any person, firm, corporation or association desiring services outside the corporate limits shall make written application for the same to the Town Council giving the legal description of the property for which the services are desired, the purpose for which the services will be used and the period of time for which the services are requested.
3. Each application shall be considered by the Town Council and the Town Council shall have the authority to deny or limit the services and to establish rates and conditions for the use of the services requested. The Town Council shall have the right to terminate the services outside the corporate limits at anytime after giving two (2) days written notice of such termination to the person, firm, association or corporation receiving the services and can terminate the services at anytime in case of an emergency.

Sec. 12-37: Penalties.

Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00), and shall be liable and responsible for any damage or injury that may result to others or to the Town as a result of their acts.

Sec. 12-38: Sewer Generally.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Glendo, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

Sec. 12-39: Discharge into sewer.

It shall be unlawful to discharge to any natural outlet within the Town of Glendo, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 12-40: Required to connect to sewer.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town 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 or combined sewer of the Town, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer.

Sec. 12-41: Utility set-aside:

As a condition to a closing settlement with respect to the sale or exchange of real property by the user receiving utility services, the closing agent shall inquire of the Town Clerk/Treasurer if any outstanding balances or delinquencies exist with regard to the utility account and accordingly provide for the payment of the due amount as part of the closing statement.

FIRST READING
SECOND READING
FINAL READING

JULY 10, 2019
JULY 31, 2019
NOVEMBER 6, 2019

Brian A. Cullen
ATTEST

Susan A. Gadka
MAYOR + DATE
12-16-2019