

## Chapter 13.08

### WATER SERVICE SYSTEM

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**Article I. In General.**

**13.08.010 Connection, generally.**

It is unlawful for any person, firm or corporation, excepting the properly authorized agents, officers, or employees of the Town to insert taps in any water main in the Town. Construction must be done per Town of Encampment Development Standards and inspected per the provisions of title 13.08.020 of this title. (prior code 13.08.010, in part)

**13.08.020 Inspection Required.**

Any new construction or repair to existing connection to the water utility shall require proper inspection, testing and adoption by the Town or its agent, prior to being placed into service. Any cost incurred for inspection are the responsibility of the property owner and any Town properties disturbed during the construction process shall be restored to prior condition or as otherwise specified by the Town.

**13.08.030 Nonliability of Town.**

The Town shall not be liable for any injuries or damages to persons or property, caused by broken or frozen water pipes. (Prior code § 17-222; §13.08.140)

A. The Town will assume no responsibility for freezing in consumer lines on private or Town property.

B. The Town will not assume the responsibility of repairing consumer lines on Town property that have been broken by freezing or any other cause.

C. In the event of a broken consumer line on Town property, caused by freezing or any other cause, it shall be the duty of the property owner to make the necessary repairs immediately. All said repairs are to be made under the supervision of an

employee of the Town. If, within a reasonable length of time, the necessary repairs have not been made, the Town may discontinue service, make the repairs and assess the costs of such repairs to the property owner. (Prior code §13.08.010(b) 1., 2., 3. )

**13.08.040 Responsibility for Maintenance of Water Lateral Lines.**

It shall be the responsibility of the consumer to maintain the lateral water service line from the meter to the structure for which the service is being provided. The Town of Encampment shall be responsible for maintenance of the lateral line from the meter to the water main line. (Amendment added 9-13-2001; Prior code 13.08.220)

**13.08.050 Reservation of rights by Town.**

The use of water under the provisions of this title shall not constitute or be deemed to be a relinquishment of any water or water right by the Town and the Town reserves the full right to determine all matters in connection with the control and use of such water. (Prior code § 17-201; 13.08.030)

**13.08.060 Damaging utility's property, equipment, etc.**

No person shall in any way damage any property, equipment or appliance constituting or being a part of the water utility. (Prior code § 17-202; §13.08.040)

A. The consumer shall be responsible for any and all damages done to existing facilities as the result of the consumer's negligence, or the negligence of anyone acting on behalf of the consumer, including costs of collection and attorneys fees

incurred by the Town. (Prior 13.08.010 (c), in part)

**13.08.070 Trespass or interfering with utility's property, etc.**

A. No person shall trespass upon the property of the water utility or tap any water mains or make any connection therewith or in any manner interfere with the water utility or the property, equipment, pipes, valves, or any other appliances of the water utility or change or alter the position of any valve or appliance regulating the flow of water in any pipeline. (Prior code § 17-203; §13.08.050)

B. No person, other than a duly employed person of the Town, shall turn on water to any premises, lot, building or house when the water has been shut off under the provisions of this ordinance; provided, that this section shall not be construed to prevent admitting water to test pipes or restoring service after repairs.

**13.08.080 Depositing material in utility which will obstruct pollute, etc. water.**

No person shall cast, place, dump or deposit in any of the water utility, any substance or material which will in any manner, injure or obstruct the same or any material or substance that would tend to contaminate or pollute the water or obstruct the flow of water. (Prior code § 17-204)

**13.08.090 Extension inside corporate limits, responsibility.**

All extensions of water mains in areas not provided with service will be at the expense of the consumer and must meet the standard

for such lines set forth in the Wyoming Public Works Standard Specifications or as otherwise set forth in Title 16 of this code.(Prior code §13.08.010(e) )

A. Such extension may be made only with the permission of the Town of Encampment after proper engineering, design and permitting have taken place.

B. Copies of all application, design permitting, as constructed drawings, inspection and adoption documents must be submitted to the Town of Encampment for to be retained as permanent record.

**13.08.100 Extension outside corporate limits- Authority of Town council.**

The Town Council may in its sole discretion enter into agreements with customers whose lands lie outside the corporate limits, to extend the Town's water system and supply water for the use, need and requirements of such customer. Such extension will be at the expense of the consumer and must meet the standards set forth in the Wyoming Public Works Standard Specifications. (Prior code § 17-207: §13.08.080, in part)

**13.08.110 Required findings prerequisite.**

Before the Town Council shall enter into any agreement or approve the expansion of the Town's water system and water supply it shall find that:

A. The extension of water service is economically feasible.

B. The property to be served is readily adaptable to and can be made to conform, within a time to be fixed by the Town Council, to then existing ordinances, which relate to subdivision, platting, zoning and construction of improvements.

C. The extension of sewer service to the property is economically feasible and can be accomplished within a reasonable time to be fixed by the Town Council.

D. The area, within which the property to be served lies, can be reasonably expected to be annexed to the Town within the foreseeable future.

E. Such extension would help promote the orderly growth and development of the Town.

F. Such extension would help promote the health, safety and welfare of the citizens of the Town.

G. Such extension would help promote ecological and aesthetic considerations in the growth and development of the Town.

H. Such extension is generally in the best interests of the citizens of the Town and shall only be made when there is the capacity to provide service. (Prior code § 17-208)

**13.08.120 Misrepresentation, misuse and unlawful furnishing of water to others.**

In case of misrepresentation on the part of an applicant; or in the event of the willful or unreasonable waste of water in the event of any emergency or otherwise, the Town Council, in their discretion, may refuse further service.

A. All waste of water is prohibited and all consumers shall keep their fixtures and service pipes in good condition at their own expense; and all water ways closed when not in use. All leaking or unsafe pipes and fixtures shall be immediately repaired. (Prior code § 17-209; §13.08.100 in part)

B. No person having water service shall permit any person to take or use water from his water service for use to property not otherwise connected to the Town water utility. (Prior code §13.08.210 (c))

C. A water tap on a lot shall not entitle the use of water for street sprinkling. (Prior code §17.210; 13.08-110)

**13.08.130 Restrictions on Use.**

During any time that the water is in short supply or in the event there is major fire or any water emergency whatsoever that should require immediate curtailment of the use of water from the water utility, the mayor and Town Council may establish reasonable rules and regulations to promote the health, safety and water welfare of the inhabitants of the Town. (Prior code §13.08.210 (b) part, 13.08.010 (i) part)

**13.08.140 Discontinuance of service- Failure to comply with regulations.**

If any consumer fails to comply with the provisions of this title, other ordinances or rules and regulations of the Town or the rules and regulations of the administrative official or uses the water for the purpose not authorized or in a wasteful manner, the Town may discontinue water service until the water user is in compliance and has paid any costs incurred because of his noncompliance. (Prior code § 17-206 §13.08.070 (e))

**Article II. Water Taps and Fees.**

**13.08.150 Tap required.**

It is unlawful for any new residence or new business within eight hundred (800) feet of the Town's water system, as such system may exist at the time of construction of such residence or business, to be without a tap into the Town's water system. (Prior code § 17-230)

A. It shall be unlawful for any new residence or new business to be without a tap into the Town water system. (Ord. 99-01-14-01)

B. It shall be unlawful for any property owner to drill, dig or construct a water well within the Town of Encampment for domestic use. Domestic use shall mean human consumption and household use. It shall not include lawn watering or stock watering. (Prior code; Ordinance 99-0-14-01)

**13.08.160 Philosophy.**

The purpose of this article is to require all residences and businesses within the Town to bear the expenses of the Town's water system, regardless of whether the owners of said residences and businesses desire to use such system by directly tapping into it. The governing body recognizes that all property owners benefit from the Town water system and fire protection and the general welfare of the Town's citizens. (Prior code § 17-231; §13.08.170)

**13.08.170 Tap fees and regulations.**

A tap fee shall be charged each consumer requesting water service from the Town, in accordance with the following schedule:

<u>Service Connection Size</u>	<u>Minimum Tap Fee</u>
¾ inch	\$1,200.00
1 inch	\$2,800.00
1 ½ inch	\$3,000.00
2 inch	\$5,000.00

This fee will include a saddle and corporation stop valve supplied by the Town. Only those saddles and valves supplied by the Town may be installed and such installation shall be made only by Town employees. The consumer shall, at their sole expense, provide the trench, service line pipe, pressure reducing valve, curb stop, valve box, meter, meter pit and all

costs of installation and backfill. All meters and related fittings must be purchased from the Town.

A. The tap fee charged to each consumer pursuant to this section shall permit the consumer to complete tapping into Town water service within six months of payment of the tapping fee. Thereafter, the consumer will be required to make payment of another tapping fee of one thousand two hundred dollars (\$1,200.00) for each six month period that he desires to be allowed to tap into Town water. The consumer will not be required to make payment of an additional tapping fee if the cause of delay beyond six months is the Town.

B. Application for water tap may be made to the council at their regular meeting date. If application is approved, the tap fee shall be paid to the Town clerk and authorization will be given to the Department of Public Works to make the tap.

C. Payment for tap fees shall be made in full upon approval of application unless a payment arrangement, in writing, is approved by the governing body of the Town of Encampment. Written payment arrangements shall be legally binding and are subject to section 13.16.010 of this title.

D. A water service bill shall be charged to each consumer for each residence or business lot according to a rate schedule adopted from time to time by resolution of the governing body.

E. There will be no "turn on" fee charged to consumer; however, water fees will be charged to the consumer each month during the year regardless of whether or not the premises are occupied. (Ord. 17-106(g), 1989; prior code § 17-106; §13.08.010 in part)

**13.08.180 Establishing and maintaining appropriate rates for water service.**

During any such time as a residence or a business is attached to a Town water tap, a user fee shall be assessed for each such tap, each month during the year, regardless of whether or not the premises are occupied. (Prior code § 17-233, in part)

A. The governing body of the Town of Encampment shall establish, by resolution, rates for water use. The Town of Encampment shall conduct a review of the fiscal condition of the water utility to ensure that water rates are adequate to meet the fiscal obligations of the enterprise.

B. Water rate increases will be established and supported by an approved financial plan. The Town of Encampment shall make water rate adjustments necessary to ensure the fiscal obligations of the enterprise are met. Recommended rate adjustments shall be considered by Town Council and established by resolution.

**13.08.190 Collection of revenue.**

The Town clerk shall collect the monies for all such taps, and shall make a permanent Town record of those persons paying for such taps, and stating the particular residence or business to which such purchase applies, regardless of whether such persons choose to have or not to have water supplied to their residences or businesses from the Town system, and so that such purchases can be substantiated in the future. Collection of revenue shall be subject to Title 13.16.010 of this code. (Prior code § 17-234;§13.08.200)

**13.08.200 Unhooking tap prohibited.**

It is unlawful for any existing residence or business with a Town water tap to unhook such tap while such residence or business is in existence. (Prior code § 17-232; §13.08.180)

**13.08.210 Abandonment of tap.**

At such time that complete removal of any improvement, structure or residential dwelling of any kind from a parcel connected to a Town water tap shall occur, there shall exist a process by which a water tap may be abandoned.

A. The abandonment of a tap shall be done in writing, signed by the property owner of record and filed with the Town clerk. Tap abandonment may be subject to the approval of the governing body of the Town of Encampment should any circumstance exist causing any question as to complete removal of any improvements on a parcel.

B. The abandonment of a water tap is a permanent measure. At such time that a tap is abandoned, the property owner shall be caused to pay tap fees to repurchase the tap should he need to restore water service to a parcel. This process is in place to guard against frivolous abandonment and to ensure costs and maintenance of the water utility is fair and equitable.

**Article III. Meters and Appurtenances.**

**13.08.220 Access to meters.**

All premises using the Town water supply shall be accessible to a designated Town agent at all reasonable times as shall be necessary for said designated Town agent to enter upon said premises to read the water

meter or to shut off the water supply. (Prior code § 17-220; §13.08.120)

**13.08.230 Installation of meters.**

Meters shall be installed on all new construction of premises using the Town water supply in a location that will be of easy access. (Prior code § 17-221; §13.08.130)

**13.08.240 Tampering prohibited.**

A. It is unlawful for any person, firm, corporation or association or any agent or employee thereof, to tamper with any meter, line cut off, switch or any other devices or equipment belonging to the Town, designated for use in furnishing water service by the Town for the purpose of avoiding or violating any of the provisions of this title.

B. It is unlawful for any person, firm, corporation or association or any agent or employee thereof to interfere with or hinder any employee of the Town, in any way calculated to prevent, delay, or hinder said employee from carrying out any of the provisions of this title. (Prior code § 17-220; §13.08.150)

**Article IV. Lawn Sprinklers.**

**13.08.250 Lawn sprinklers, generally.**

A. The use of any water from the Town's treated water utility by any consumer who has a raw water system available for lawn sprinkling, irrigation or any other use outside a commercial, industrial or residential building is prohibited.

B. Lawn sprinkling is subject to any emergency provisions established in this title.

C. No person shall have cross-connections, for any purpose, between a private line carrying well water or an irrigation line and a line carrying water from the water utility.

D. All underground sprinkling or irrigations systems are subject to the terms or conditions of this section. (Prior code §13.08.210)

**Article V. Irrigation System.**

**13.08.260 Irrigation system, generally.**

There exists in the Town of Encampment an irrigation system of untreated, non-potable water for the purpose of irrigation and/or lawn sprinkling. This irrigation system is an integral part of the system of water works within the Town of Encampment and is subject to the provisions of this title.

A. An irrigation fee per lot of actual irrigation shall be set by resolution of the Town Council in the same fashion as provided for water and sewer rates in Section 13.16.080 of this code. Each lot actually irrigated shall be verified by the property owner and further provided that the Town may challenge such verification if there is adequate evidence available that irrigation is actually taking place. (Prior code §13.08.010(g))

B. An irrigation allowance will be established for residents not served by the irrigation system. Each residence served by a water tap not having access to the irrigation system will be allotted additional base consumption based on a unit of 10,000 gallons of water per month, per irrigated lot, at the same rate established for those with irrigation available. The allowance will coincide with the operational months of the irrigation system.

C. Use of the irrigation system is a privilege and does not entitle consumer to waste water, allow water to run in street or

to water excessively thereby deleting irrigation reserves for other users.

D. Irrigation is based on the available water supply. The Town of Encampment reserves the right to govern its use so as to not deprive the municipal water supply and area agricultural needs.

## **Article V. Fire Hydrants.**

### **13.08.300 Maintenance.**

All fire hydrants shall be a part of the water utility and shall be kept in repair by the Department of Public Works. Every hydrant shall be tested at least once annually.

### **13.08.310 Opening.**

No person, other than a member of the fire department, shall open or operate any fire hydrant without the permission of the public works department. (Prior code §13.08.150 in part)