

13.16

UTILITY ACCOUNTS GENERALLY

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13.16.010 Establishment-Purpose.

It shall be the duty of the Town Clerk to establish accounts for the purpose of billing and collecting charges and fees for such utility services as established by ordinance of the governing body of the Town.

13.16.020 Establishment- for each property.

An account shall be established for each parcel of property, abode, business or address to which any or all of the charges referred to in section 13.16.010 apply; provided, that additional accounts shall be established for locations or addresses having more than one water meter. All accounts under this chapter shall be carried in the names of the property owner or his agent.

13.16.030 Consumer.

The term "consumer" shall be held to mean the property owner or his agent, whenever used in this chapter; the person responsible for the payment for all charges shall be the consumer and all bills will be rendered in his name. (Prior code § 17-103; § 13.04.030)

13.16.040 Tenant statements.

The Town of Encampment may, solely as a convenience to the property owner, provide a duplicate statement to a tenant. The ultimate responsibility for payment of charges remains the recorded owner of the real property.

13.16.050 Billing Frequency.

No less frequently than once each quarter or more frequently than once each month, a statement of each account shall be prepared and sent to the name and mailing address of the property owner.

13.0416.060 Payment of utility services.

All payments for utility services and tap fees shall be made to the office of the Town Clerk, and no connection or tap shall be made by any person, firm, partnership or corporation within the Town to either the water distribution system or the sewer collection system without permission first having been obtained from the governing body of the Town of Encampment. (Prior code § 17-105; § 13.04.050, I part)

13.16.070 Payment-credited.

Payments received on statements shall be credited in the following manner:

A. The payment shall be credited first to any miscellaneous fees, charges or penalties in the amount of the outstanding balance.

B. Any excess after application to subsection A shall then be credited to the portion of the account relating to mosquito abatement in the amount of any outstanding balance.

C. Any excess after application to subsection B shall then be credited to the portion of the account relating to charges for the disposal of garbage, refuse and trash in the amount of any outstanding balance.

D. Any excess after the application to subsection C of this section shall then be credited to the portion of the account relating to charges for use of the sewer utility in the amount of any outstanding balance.

E. Any excess after application to subsection D shall then be credited to the portion of the account relating to charges for water utility use, including irrigation.

### **13.16.080 Rates for utility services.**

#### Section 1: Delinquent Charges, Payment and Termination of Services.

A. A property owner who receives-utility services, consisting of water, sewer, dump, and/or other utility services provided by the Town of Encampment, shall be charged a monthly or quarterly fee. Said fee shall be set from time to time by resolution of the governing body of the Town.

B. The Town Clerk shall bill the property owner of the premises for which the services are provided on the first day of the month immediately following the month or quarter for which services are rendered. The responsible party for payment of the billing to any property shall be the recorded owner of the real property.

C. Accounts will not be prorated and unless otherwise provided by Town ordinances, real property benefiting from services for a portion of a month shall pay the entire month's fee. Charges for services are due by the 10<sup>th</sup> day of each month immediately following the month in which the services were provided. A late charge of \$5.00 will be charged on the 20<sup>th</sup> day of each month that the bill remains delinquent.

D. Any payment, regardless of method, returned to the Town as insufficient funds shall be deemed as non-payment of utilities and will result in a return item fee to the account of an amount to be determined from time to time by resolution.

#### Section 2. Discontinuation of Services.

Utility services may be discontinued to the property on or after the twentieth day of the second month immediately following the month in which services are provided after the following requirements have been fulfilled:

A. The Town shall first furnish notice to the real property owner and consumer setting forth the delinquency, the name of the Town Clerk, a statement informing the consumer that he/she has the right to contact the Town Clerk or such other individual as the Town Clerk Town Council may designate empowered to resolve the dispute and that upon failure of the consumer to contact the Town Clerk on or before a date at least ten (10) days subsequent, services to the property will be discontinued.

B. If the Town Clerk is contacted by the owner/consumer in accordance with the provisions of the notice, the Town Clerk or some other individual designated by the Town Council as a responsible employee empowered to resolve the dispute, shall meet with the owner/consumer to ascertain why the bill has not been paid and whether the billing for services is correct.

C. If it is determined by the Town Clerk or the responsible employee designated by the Town Council that, in fact, the billing for services is correct, the Town shall give written notice of such finding to the owner/consumer and real property owner together with notification that unless the billing is paid on or before five (5) days subsequent, services will be terminated to the property.

D. It shall be unlawful for any person or persons to occupy or remain in any dwelling to which the water and sewer services have been disconnected or are not in operating condition after a fourteen (14) day grace period has ended, as unhealthy and unsanitary conditions could and would develop within the dwelling. (Added 01-12-2017- Ord. 2016-01)

Section 3. Lien for Delinquent Bills: Any bill for utility service remaining delinquent for ninety (90) days shall become a lien upon the real property benefited by the services only after the following steps have been taken:

A. The Town shall first give ten (10) days notice, in writing, to the real property owner at his address using the address contained in the records of the Town for utility billing purposes of its intent to file a lien against the real property, such notice to reasonably describe the real property and set forth the amount claimed by the Town. The street address shall be sufficient to describe the property in the notice and shall be a sufficient address for mailing the notice if the real property owner has no utility billing or other address on file with the Town. The giving of notice required in this section shall be complete upon deposit of such notice in the United States Postal Service, postage prepaid, addressed as required in this section.

B. After passage of ten (10) days from the deposit of notice in the United States Postal Service as required in this section, the Town shall file a lien statement properly acknowledged and containing a true legal description of the property in the office of the County Clerk and Ex Officio Registrar of Deeds.

C. Upon the property filing of said lien statement, the lien shall be considered a lien on the property for all purposes. Any such lien may thereafter be foreclosed by

appropriate action in court or in the manner provided by law for the foreclosure of a mortgage by advertisement and sale as set forth in Wyoming Statutes § 34-4-102.

Section 4. Costs and Attorneys Fees. All costs of collection incurred by the Town, including but not limited to reasonable attorney fees, in the enforcement, collection of, or foreclosure of a delinquent bill under this ordinance shall be the responsibility of the real property owner/s, whether or not a lawsuit is instituted. In addition to all other costs, charges and fees plus 1.5% interest compounded for each month the balance is outstanding, a disconnect fee of twenty-five dollars (\$25.00) shall be charged if said service is discontinued because of delinquency, and must be paid in full before service is restored. (Amended October 23, 2008; prior code § 13.04.040)

**PASSED, APPROVED, AND ADOPTED**

this 11th day of April, 2013.

TOWN OF ENCAMPMENT

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Mayor, Greg Salisbury

Attest:

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Clerk/Treasurer, Doreen Harvey, CMC

1<sup>st</sup> Reading: February 14, 2013

2<sup>nd</sup> Reading: March 14, 2013

3<sup>rd</sup> and Final Reading: April 11, 2013