

TOWN OF BEAR RIVER, WYOMING

ORDINANCE 2005-2

AN ORDINANCE ESTABLISHING PROCEDURES AND REGULATIONS TO GOVERN THE WASTE WATER COLLECTION AND TREATMENT SYSTEM OF THE TOWN OF BEAR RIVER.

“WASTE WATER REGULATIONS - 2005”

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BEAR RIVER, WYOMING:

The attached ordinance, consisting of thirty five sections and entitled “WASTE WATER REGULATIONS- 2005”, is hereby adopted and made to be in affect concerning all matters dealing with the sewer collection and treatment system of the Town of Bear River and related thereto.

PASSED ON FIRST READING THIS THE 10th DAY OF MAY, 2005.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

PASSED ON SECOND READING THIS THE ___th DAY OF JUNE, 2005.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING THIS THE ___th DAY OF JUNE, 2005, AND BE IT THEREFORE ORDAINED BY THE MAYOR AND TOWN COUNCIL OF BEAR RIVER TO BE IN FULL FORCE AND AFFECT.

Robin Rhodes, Mayor

ATTEST:

Dawne Morphew, Clerk

CERTIFICATE OF POSTING

I, **Dawne Morphew**, duly authorized Clerk of the Town of Bear River, Wyoming, do hereby certify that a copy of the above Ordinance 2005-2 was posted at the Bear River Town Hall on the ___th day of June, 2005.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE TOWN OF BEAR RIVER, WYOMING.

Dawne Morphew, Clerk

(s e a l)

TOWN OF BEAR RIVER, WYOMING

ORDINANCE 2005-2

"WASTE WATER REGULATIONS-2005"

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ORDINANCE 2005-2

“WASTE WATER REGULATIONS - 2005 ”

Section One. Ownership and Control.

The sewer works system of the Town of Bear River shall be owned, maintained, controlled and managed exclusively by the Town of Bear River through its agents and representatives, and the Mayor and Town Council.

Section Two. Purpose for System.

The objective and purpose of the sewer works system shall be to make available to residents of the Town, sanitary sewerage disposal facilities for the convenience and health of said residents and for the elimination of causes of pollution of water supply sources, air and land.

Section Three. Sewer Connections.

It shall be unlawful for any person to uncover, connect into, use, alter, disturb or in any manner perform any work upon any of the sewer works system of the Town of Bear River without first obtaining a permit from the Town Clerk. It shall also be unlawful for any person to extend sewer pipes, lines or mains from one user to another without a special permit granted by the Town or DEQ where applicable.

Section Four. Application Procedure; Payment of Fees.

Application for a sewer use permit shall be made by the Owner, his agent or the lawful occupant of the premises to be served, in writing, on a form provided by the Town, and shall state the location and purpose for which the premises will be used, the name and address of the owner of the premises and any other information as required by the Town. The owner shall be required to sign the application and by so doing shall agree to be bound by all rules and regulations hereinafter set forth. The application shall be accompanied by a tapping charge and sewer use fee, in an amount to be determined by resolution of the Town Council. The Town shall not issue a sewer use permit until all necessary forms, charges and procedures are completed and paid in full or acceptable arrangements made therefore.

Section Five. Permit -Generally.

All excavations of trenches, plumbing and work connected with the pipes, drains, and attachments thereto on the streets and alleys of the Town shall be under the supervision and control of the Town. No connection shall be made with the sewerage system until the Town has inspected the plans representing all the connections and the attachments to be made within the premises. The Town shall endorse the findings upon an application for a permit which shall accompany such plans, and the same shall be filed in the office of the Town Clerk. When such plans have been approved by the Town, the Town Clerk shall issue a permit, upon payment of a tapping fee, as set by Section 18, to be paid prior to commencement of the work. Such permit must be exhibited to any officer of the Town upon demand.

Section Six. Same -Compliance with plumbing standards prerequisite to issuance. Permits to connect with the public sewer will be issued only where plumbing in the building to be connected is in accordance with the rules for plumbing prescribed in the Uniform Building Code and the Wyoming Public Work Standards, as adopted by other ordinances of the Town, specifically including an approved back flow preventer and two way clean out located on the property line.

Section Seven. Payment for Sewer.
Upon proper application being completed, the Town Clerk shall issue a sewer use permit. The permit holder, from time of issuance onward, shall be responsible to pay, at the rates then in affect, the monthly billing amount.

Section Eight. Change of Owner; New permit required.
In the event of a change of ownership or occupancy of any property served by a sewer use permit, necessitating a change of name on the Town records as to the party to be billed and responsible for said service, a request for change of billing shall be submitted in writing to the Town Clerk, and shall require filling out a new permit and a fee of \$10.00.

Section Nine. Change in premises use; New permit required.
Any holder of an existing sewer use permit, who shall wish to alter the use of the premise as designated upon said permit and which will increase the rate which will be charged for sewer use shall first make application in writing to the Town Clerk setting forth the altered use requested and the Town Clerk shall issue a new sewer use permit covering such additional use. All application requirements of a new permit must be met, except the initial tapping fee shall be waived and a fee of \$10.00 shall be paid to the Town Clerk.

Section Ten. One Residence per Permit.
Only one residence, building or premises shall be covered by a sewer use permit and served by the connection to the Town's sewer system, as authorized thereby.

Section Eleven. Same -Special permit for connection of more than one building through one drain. More than one building may be connected with the public sewers through one drain with a special permit from the Town. The Town will consider pipe dimensions, layout, type of use each premises and any other relevant information in determining if a single lateral will accommodate more than one building or service.

Section Twelve. Deposit Required.
In the event that the person *receiving the billing* for sewer use on a premises *is* not the owner thereof, *said* party may be *required* to pay to the Town a security deposit *in* an amount determined by Town Resolution, which deposit shall be refunded at the time sewer *service in* that name *is* terminated, and all fees and charges are paid *in full*. *This in* no way reduces or removes the *responsibilities* of the property owner as set out *in Section 20* below.

Section Thirteen. Use of Public Sewers Required.

It shall be unlawful for any person to place, deposit or permit to be deposited *in* an unsanitary manner upon public or private property *within* the Town of Bear River, or *in* any area under the *jurisdiction* of the Town, any human excrement, garbage or waste. It shall be unlawful for any person to construct, use or maintain any cesspool, septic tank, privy, privy vault or other facility intended or used for the disposal of sewage within the corporate limits of the Town of Bear River, and such unlawful use shall be discontinued within one year from the date of a Notice to Connect, as per Section 14 below; such users on all occupied lots or parts of lots or land within the Town and within 200 feet or less of a sewer main of the Town shall be connected by a sewer service line, in the manner as provided in this chapter, and no privy vault or cesspool shall be maintained, kept or continued thereon. Where such proper public sewer line is not available, the user shall maintain a private sewage disposal system or facility in a sanitary manner, which shall comply with all rules, regulations and recommendations of the Department of Public Health of the State of Wyoming. At such time as a proper public sewer line is extended to within two hundred (200) feet of the property served by a private sewage disposal system or facility, a direct connection shall be made to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, privies or other private sewage disposal facilities shall be abandoned.

Section Fourteen. Notice to Connect.

If the owner, tenant or occupant of property coming within the purview of section 13, neglects or refuses to make a required connection, the Town shall notify such owner, tenant or occupant to make or cause such connections to be made pursuant to this section. Notice to connect to the sewer main shall be served upon the owner, tenant or occupant by certified mail to the address of the property appearing on the rolls of the County Assessor. The owner, tenant or occupant shall comply with the order of the Town Engineer with one (1) year after the date of service.

Section Fifteen. Appeal to the Town Council.

The owner, tenant or occupant may appeal the decision of the Town to the Town Council within ten (10) days after the date of service of the notice to connect.

Section Sixteen. Unauthorized sewage facilities a nuisance.

Unauthorized construction, ownership and use of septic tanks, outside latrines or cesspools within the Town of Bear River is declared to be unlawful and a nuisance, abatable as such.

Section Seventeen. Extension of service outside municipality; 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 sewer utility for the use, needs and requirements of such customers. The charge for sewer service outside the Town shall be set by Town Council by Resolution as needed.

Section Eighteen. Sewer rates and charges.

All fees and charges for use of the Town's sewer system shall be as set, from time to time, by the Town Council. A copy of the resolution establishing such charges shall be

maintained on file in the office of the Town Clerk where it shall be available for inspection by the public during the normal office hours of the Town Clerk.

Section Nineteen. Billing Procedure.

The Town Clerk shall issue a monthly billing to each holder of a sewer use permit. Payment shall be remitted to the Office of the Town Treasurer, where it shall be deposited to the sewer works account. Sewer charges shall be included on the sewer statement and shall be due and payable on or before the 1st day of each month a billing is received.

Section Twenty. Responsibility of Owner to Pay; Lien on Property; Legal Actions Possible.

All sewer use permits shall be issued in the name, or with the written approval, of the owner of the premises and said owner shall be ultimately responsible for the payment of all sewer service charges, notwithstanding any other agreement between the owner and occupant thereof. All unpaid and delinquent sewer service charges and other fees or charges required by this ordinance that are unpaid, shall be and constitute a lien against the premises and the same may be collected by civil action against the owner or by foreclosure of the lien against the premises, or by criminal citation for violation of this ordinance. Any action may be instituted in the proper Court having jurisdiction in the matter.

Section Twenty-One. Delinquent Accounts, Penalty.

If the sewer user fails, refuses or neglects to pay the sewer use charges within 30 days of the date they become due and payable, said bill shall be deemed delinquent and may be collected by civil action and/or fine for violation of this ordinance in the Municipal Court, and the water supply to the premise served by the sewer permit may be shut off, after proper notice. Before such water shall be turned on again, all delinquent sewer use fees for the premises must be paid and a fee set by Resolution as needed to cover the costs of the reconnect. A reconnect must be done by a Town employee. The Town may also recover reasonable attorney's fee's incurred in enforcing this ordinance either civilly or criminally.

Section Twenty-two: Requirements for installation of sewer service: One year warranty: ownership and responsibility to maintain.

The lateral sewer line, which connects the Town sewer main to the premises to be served, shall be installed with approved methods and materials and in a good workmanship like manner. Said installation shall be approved and inspected by an authorized Town official, both before work begins and after installation is complete. No expense associated with installation and connection of a lateral sewer line shall be borne by the Town. The installer and/or the owner of the premises shall warrant all materials and workmanship associated with the installation and connection of a lateral sewer line for a period of one year. At the end of the one year warranty period the Town shall own the lateral up to the property line of the premises served. The owner of the premises shall own the lateral from the property line to the premises. All maintenance and repair of a sewer line lateral, from the premises to the sewer main, shall be the responsibility of the owner, subject to the following procedure. If it is determined during the repair or replacement of a faulty or

disabled lateral sewer line that the damage or blockage is a result of some act or omission of the Town, then the Town will bear the costs associated with repair. In all other cases the owner shall be solely responsible for all maintenance and repair of the entire line. In the event that a connection, and lateral line are installed by a builder or developer and are not to be hooked up and used until some later date when the property is sold or developed, then the one year warranty period shall not commence until the sewer service is actually connected and used.

Section Twenty-Three. Sand and grease traps required for establishments having wash or grease racks.

All filling stations, garages, and similar places having wash or grease racks connected with the sewer utility shall be provided with a sand and grease trap of suitable sizes and construction.

Section Twenty-Four. Connections to be made before paving adjacent streets. Before any street or alley is paved, the owners of all property abutting thereon where a sewer main is laid shall make sewer service line connections with such sewer main, whether the immediate use thereof is required or not. Until used, such connecting sewer line shall be supplied with a proper cap or covering to prevent the escape of sewer gas.

Section Twenty-Five. Inspection of sewer line installation required; penalty. It shall be the responsibility of the person installing any lateral sewer line, or connection with the Town sewer system, to arrange, at least one working day in advance, to have said installation inspected by a Town representative, in accordance with Town standards and codes. Failure to arrange for and have an inspection of any installation is a violation of this ordinance and may result in having the installation unexcavated at the expense of the installer and inspected, as well as prosecution under the terms hereof. In the event of an unauthorized or uninspected connection, the person so installing, including a hired plumber or contractor, or both, may be prosecuted under this ordinance for a violation hereof.

Section Twenty-Six. Town Employee to be Present; Unlawful Acts; Work to be Inspected.

Any and all connections, tap ins, or any other action that deals with the sewer system of the Town, must be done either by, or in the presence of, a Town employee, designated for such work. It shall be unlawful for any person, other than a Town employee, or someone authorized by the Town, to alter, interfere with, molest, vandalize, tap in, plug off or do any other thing to the sewer collection system of the Town. All work done to or on the sewer collection system of the Town must be inspected as per Section 25 above.

Section Twenty-Seven. Right of Town Employees to Inspect for Violations.

All authorized employees of the Town shall have free access at all reasonable times to enter the premises where sewer is being used, for the purpose of inspection and investigation as to whether or not the user is in compliance with the provisions of this ordinance. This includes specific authority to do random checks of sewer lines and any other thing relevant and reasonable to the enforcement of the provisions of this ordinance.

Section Twenty-eight. Construction and protection of trenches generally. Trenches opened in any street or public thoroughfare must be sheeted and braced when directed by the Town. Gutters and waterways must be kept open. Water pipes must be protected from injury. Material excavated must be kept in compact a compact space. The work area must be barricaded and posted. Any excavation within the public right of way, including sidewalks and streets that is to be left open over night, must be barricaded with warning lights or totally fenced. Every precaution must be taken to prevent injury to persons or property. All provisions of the Town excavation ordinance must be complied with.

Section Twenty-Nine. Users to Maintain Own System; Liability of Town Limited. All sewer users shall keep their own service pipes in good repair at all times and shall protect the same from freezing and frost and all at their own expense, and no claim shall be made against the Town for any damage that might result from the reasonable and necessary actions of Town employees as they fulfill their duties to inspect or repair the sewer collection system.

Section Thirty. User to repair or report damage to system: Penalty: Town may repair: costs. It shall be the responsibility of all property owners to maintain and repair all lateral sewer lines running from the Town's sewer main to the premises and any other sewer connections located upon the property. The user/owner of the property may contract with the Town to clean or unblock sewer lines, provided that the premises is equipped with appropriate two way clean outs. The Town must be notified of any leak or disruption of the sewer system discovered by the user/ owner upon the property and the damage shall be repaired by the user/owner within twenty four hours or as soon as practicable. If Town employees discover a leak or disruption in the sewer lines of a sewer user, they shall immediately notify the user and he/she shall then have twenty four hours to effectuate repair or the Town may make needed repairs and shall include the cost therefore in the next billing to the user. Failure to pay therefore shall be treated as a delinquent charge as in Sections 20 and 21 above. Any and all repair work, either within the streets of the Town or on private property, shall be done only after obtaining permission and inspection of the same from the Town.

Section Thirty-One. Prohibited Acts.

a. Connecting open gutters, etc., with sewers. No person shall connect any open gutter, cesspool, privy vault or cistern with any public sewer or private drain connecting therewith.

b. Connections with storm water or subsoil drains, streams, watercourses, etc. No person may make or cause to be made any connections for the removal of sewerage from any premises with storm water or subsoil drains, ditches, streams or watercourses within the sewered districts of the Town.

c. Damaging, etc., sewers; throwing refuse, etc., into public sewers. No person shall injure, break or remove any part of any sewers or attachment thereto, or throw or deposit any garbage, offal or refuse substance of any kind in any manhole or other fixture of the public sewers.

d. Throwing garbage, refuse, etc., into receptacles, etc., connecting with

Public sewers. No person, either in person or by and through an agent or employee, shall throw or deposit in any sink, catch basin, fixture, receptacle or drain connecting with the public sewers any garbage, offal, refuse, ashes, hair, vegetables, parings, rags, oil, grease or any substance whatsoever, except feces, closet paper, urine, house slops and such manufacturing or other waste as may be specifically permitted.

e. Opening or uncovering manholes, etc., without permission. No person shall open or uncover any manhole, flush tank or other part of the public sewers without permission of the Town.

f. Laying pipe or conduit or making excavations near public sewers without permission. No person shall lay any pipe or conduit or make any excavations for any purpose within four (4) feet of any public sewers, without permission of the Town Engineer.

g. Ordering work in violation of chapter; penalty. Any person owning property upon which work is done in violation of this chapter or the rules and regulations hereunder at his request or at the request of his agents, tenants or employees, or owning property adjacent to which and for the benefit of which such work is done, shall be deemed guilty of a misdemeanor.

h. Depositing injurious material into system. It shall be unlawful to throw or deposit or cause or permit to be deposited in any vessel or receptacle connected with the sewer utility petroleum products, volatiles, acids, highly alkaline solutions or any other matter whatsoever which shall be in any way injurious to the sewer utility or which shall in any way cause maintenance of the sewer utility.

i. Connection of water drains, down spouts, etc. It shall be unlawful to connect any storm water drains, down spouts, subsurface drainage systems or steam exhausts or blow off from a steam boiler to the sanitary system.

j. Supplying sewer service to other premises prohibited; penalty. It shall be unlawful for any sewer use permit holder to knowingly allow sewer service being supplied by virtue of said permit, to be used to pipe or transport sewage from another property or premises and thereby circumvent the need for a sewer use permit and connection for the unauthorized premises. In this type of violation it shall be presumed that both the permit holder and the user of sewer service on the unauthorized premises are aware of the violation and both shall be subject to prosecution hereunder.

Section Thirty-Two. Authority of Town to prevent certain discharges.
The Town shall have the power to stop and prevent from discharging into the public sewer any private drain, sink, catch basin, fixture or receptacle through which substances which are liable to injure the public sewer or sewerage equipment are allowed to flow or in which such substances are placed for the purpose of being discharged into the public sewer.

Section Thirty-Three. Penalty for violation hereof; Continuing Violation Procedure.

Any person, persons, partnership, association or corporation violating any provision of this ordinance, shall upon conviction, be deemed guilty of a misdemeanor and fined in accordance with the Uniform Penalty Ordinance of the Town for each violation. Where the violation is a continuing one, each day of the continuance thereof shall be deemed a separate violation. An action to enforce compliance and to punish violations hereof, shall be brought before the Municipal Court and by the issuance of a citation or complaint against the violating party.

Section Thirty-Four. Saving Clause.

If any word, phrase, sentence, section or provision of this ordinance is found to be invalid or unenforceable, such invalidity shall not affect the other sections and provisions hereof.

Section Thirty-Five. Repealer.

Any other covenant, practice, previously applied procedure, ordinance, resolution, policy, rule or regulation in conflict herewith is hereby repealed, cancelled and made to be of no effect.