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TITLE 9 – PUBLIC SERVICES

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TOWN OF DUBOIS
TITLE 9 – PUBLIC SERVICES

Chapter 1	Billing Procedures
Chapter 2	Water Service System
Chapter 3	Wastewater Service System
Chapter 4	Fragmented Infrastructure

Codified November 13, 2002	Ordinance No. 328
Re-Codified	
10/16/03	Ordinance No. 336
10/16/03	Ordinance No. 337
10/16/03	Ordinance No. 338
3/18/04	Ordinance No. 342
7/5/07	Ordinance No. 366
8/5/10	Ordinance No. 383
10/21/10	Ordinance No. 385
8/5/2010	Ordinance No. 387
9/30/10	Ordinance No. 388
02/09/11	Ordinance No. 391
11/18/10	Ordinance No. 392
4/21/11	Ordinance No. 395
3/07/13	Ordinance No. 404
4/17/14	Ordinance No. 408

TITLE 9 PUBLIC SERVICES

Chapter 1 Billing Procedures

9-1-1 Unified Billing for Services

All services provided by the Town pursuant to statute, ordinance, or otherwise, requiring payment to the Town for such services, and including, but not limited to, utility services, garbage collection, construction or demolition services for enforcement of building codes, abatement of nuisances, removal of weeds and any other services, may be billed by the Town to the owner of the property receiving such services in a single unified billing statement detailing all charges due and payable from such person or they may be billed separately within the discretion of the Town.

9-1-2 Property Owner's Responsibilities [*§9-1-2 Amended by Ordinance No. 408 on April 17, 2014*]

Accounts for all services will be billed to and shall be the sole responsibility of the property owner only.

Water meters are to be protected from freezing and any damage from construction or any other hazard that may affect the function of the meter. Any town repair for the above issues will be billed to the customer. Property owner is responsible for repairs to the curb stops and service lines.

9-1-3 Application of Payments

All payments received by the Town from a property owner for services shall be applied first to late charges assessed against such property owner; then to costs of collection of any amounts due and payable from the property owner to the Town; then to arrearages due from the property owner to the Town; then to current charges as may be directed by such property owner.

9-1-4 Termination of Service [*§9-1-4 Amended by Ordinance No. 408 on April 17, 2014*]

In addition to all other remedies available by law, the Town may terminate all services to any property owner failing to pay when due charges of any service provided by the Town. Notice of intent to terminate services shall be mailed to the property owner at the billing address for such service or such other address as the property owner may have requested in writing prior to the mailing of the notice of intent. A \$50.00 charge will be applied to the account for each termination notice sent. For purposes of this chapter, delivery of such termination notice shall be deemed to have occurred on the date of mailing such notice.

9-1-5 Establishment of Charges and Billing Rules

[*§9-1-5 Amended by Ordinance No. 404 on March 7, 2013*] [*§9-1-5 Amended by Ordinance No.408 on April 17, 2014*]

Charges for use of the municipalities' utility systems including, but not limited to, the waterworks system, the wastewater disposal system, and the solid waste disposal shall be as set from time to time by the Town Council and may classify customers into

different billing categories. Base rate billing will commence the month following final approval of building permit and payment of building permit or approval and payment of any tap fees. Billing and Collection procedures may be established by the Town Clerk; provided that the procedures are approved by the Town Council by Resolution.

Low Income Reduced Water and Sewer Rates - Family unit whose gross annual income does not exceed one-half the median income as determined by the Wyoming Economic Development Association for the Town of Dubois per year and may make application to the Town Clerk on or before April 1st of each calendar year for a maximum 50% reduction in water and sewer base rates to be levied upon such real property for the ensuing calendar year pursuant to the following provisions of this subparagraph:

- (i) Such application shall be under oath and upon forms prescribed by the Town Clerk with the approval of the Town Council.
- (ii) Such application shall certify that the annual gross income of the applicant and all members of the family unit who are over the age of 18 years of the residence in which he, she or they reside for the ensuing year is not reasonably anticipated to exceed a total which, if considered as being the sole income of the applicant, would disqualify such applicant for eligibility for refunds.
- (iii) Copies of all adult members of the family unit last two years income tax return must be provided with the application. Upon applicant meeting the eligibility of this section to the satisfaction of the Town Clerk or his/her designee, the Town Clerk shall certify the applicant's eligibility to the appropriate Town authority, and the utility rates shall be appropriately reduced for such property for the ensuing calendar year only according to the following formula:
 - (1) Combined gross annual income does not exceed one-half the median income as determined by the Wyoming Economic Development Association for the Town of Dubois per year shall receive a maximum of 50% discount of the water and sewer base rates.

Original developers of affordable housing are exempt from the residential equivalent fee as long as the housing is restricted by the Code of Federal Regulations 24 and the Wyoming Community Development Authority. The developer must notify the Town when the restrictions are lifted.

Developers that install water and/or sewer mains to provide services to their subdivision are exempt from paying the availability fees for the water or sewer that they installed. It is up to the developer to notify the Town when any lot is sold or ownership is transferred. This exemption is for the original developer only. Upon the transfer of property ownership Availability Fees must be paid for a minimum of two years to qualify for the discounted tap fees.

9-1-6 **Termination of Service**

[\$9-1-6(a) Amended by Ordinance No. 336 on October 8, 2003][§9-1-6 Amended by Ordinance No. 408 on April 17, 2014]

- (a) When a property owner requests that Town Staff turn on/off service or when an account is transferred to a new property owner a \$25.00 fee will be assessed. All accounts for the property shall be charged the base rate for all Town services during periods when they are turned on and/or voluntarily turned off by the property owner. This includes property tapped outside town limits.
- (b) In the event a property owner’s water service is shut off by Town Staff for failure to pay for any services, the services shall not be reinstated unless the property owner shall pay to the Town a reinstatement fee of \$50.00 and shall make payment in full for all outstanding charges. This includes property tapped outside town limits. In the event that the water service is turned on by parties other than Town Staff and/or usage is indicated a Municipal Citation shall be issued to the property owner.

9-1-7 **Late Fees**

*[\$9-1-7 Amended by Ordinance No. 342 on March 10, 2004]
[\$9-1-7 Amended by Ordinance No. 408 on April 17, 2014]*

Charges for the use of Town Utilities and all other fees shall be due and payable on or before the last day of the month. A late charge of an amount equal to ten (10) percent of the charge for services shall be added to the regular monthly charge if not paid on or before the 10th day of the month following billing. All persons who tender checks to the Town that are returned to the Town for insufficient funds or for stop payment shall be charged a fee equal to the fee charged the Town by financial institutions for the returned check.

9-1-8 **Liens upon Real Property** *[\$9-1-8 Amended by Ordinance No. 408 on April 17, 2014]*

Delinquent charges and assessments that exceed the sum of \$200.00 shall constitute a lien on the property and may be foreclosed in a like manner as foreclosure of real estate mortgages in the State of Wyoming. In such case, the Town shall recover its actual costs and reasonable attorney’s fees. In the event that a lien is filed a \$50.00 fee will be charged to the account.

Chapter 2 Water Service System

9-2-1

Definitions

*Amended by Ordinances #336 on 10/16/03, #366 on 7/5/07 and #383 on 8/5/10
Definitions incorporated from 9-2-20.2, Appendix A – Ordinance #385 on 10/13/10
[§9-1-2 Amended by Ordinance No. 408 on April 17, 2014]*

For the purpose of this Chapter, the following words and phrases have the following meanings:

“Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

“Auxiliary water supply” means any water source or system, other than the public water supply, that may be available in the building or premises.

“Availability Fee” means that when the water main is within 400 feet and the lot is undeveloped.

“Backflow” means the flow other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

“Backflow prevention assembly” means any double check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

“Commercial” means any property or use which is not a residence or combination of residences, specifically excluding industrial property or uses and holders of home occupancy permits.

“Commercial Equivalent” means multiple businesses on one line on a single lot.

“Commercial user” shall mean the owner of Commercial property connected to the Town Water system.

“Commercial Water Well” means a well drilled by a state certified well driller for any commercial use.

“Consumer” means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

“Containment” means protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.

“Contamination” means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

“Cross connection” means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

“Developer” means any landowner, agent of such landowner for whom subdivision or land development plans for more than one town lot are being or have been made.

“Domestic Water Well” is a well that produces up to twenty-five (25) gallons per minutes that is hooked up to one residence to irrigate up to one (1) acre contained on one parcel of property.

“Failed Well” means a condition that results in re-drilling, deepening beyond the original depth, or replacing the well casing.

“Hazard, Degree of” means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- a) Hazard, Health - any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
- b) Hazard, Plumbing - a plumbing type cross connection in a consumer’s potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention assembly.
- c) Hazard, Pollutational - an actual or potential threat to the physical properties of the water system or to the pot ability of the public or the consumer’s potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- d) Hazard, System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

“Industrial” means uses and property where water use is an integral part of a manufactured commodity or where water is utilized as a cleaning or cooling agent to a commodity produced.

“Industrial process system” means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutational or plumbing hazard if introduced into a potable water supply.

“Irrigation water tap” means a service line tapped to either a) the Town’s main, or b) a private service line for irrigation purposes with no water provided by this service line to be discharged into the Town’s collection lines.

“Isolation” means protection of a facility’s internal plumbing system by installing a backflow prevention assembly, air gap separation or other backflow prevention device on an individual fixture, appurtenance or system.

["Occupied" Amended by Ordinance No. 339 on October 8, 2003]

"Occupied" for purposes of this chapter shall mean any Lot, Parts of lots, or Tracts of land upon which is located a residential or commercial structure, and shall apply whether such structure is inhabited or uninhabited, in use or idle.

"Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Property Owner" applied to any water user, means and includes not only the owner of the whole, but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land and includes any agent of such owner, and where such owner is a body corporate it includes the managing agent or officer within the Town.

"Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the WYOMING Department of Environmental Quality.

"Residence" means any dwelling unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Residential" means any one or combination of residence as defined in this section.

"Residential Equivalent" means structures/units that are available for occupancy or occupied that are not directly connected to available public utilities but are connected by service lines to Standard Residential.

"Residential user" means the owner of residential property connected to the Town Water system.

"Service Connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

"Service Line" means a water carrying conduit which provides water from the municipal distribution system to any end user, house, building, etc. that is perpendicular to the street (or alley) and perpendicular to the main/easement/street/alley. *[Amended by Ordinance #385 on 10/13/10]*

"Standard Commercial" means customers tapped to all accessible services.

"Standard Residential" means customers tapped to all accessible services.

“Water Main” means a pipeline, duly accepted by the Town, which constitutes an integral part of the distributional system of the Town and provides for water service, circulation and transportation.

“Water purveyor” means the owner, operator or individual in responsible charge of a public water system.

“Water Tap” means the physical connection of a service line to a municipal water main.

“Water Tap Fee” means the payment required for connection of each residence, commercial occupancy, industrial use, or other use. A water tap fee shall be paid for in advance of each water tap onto the water main.

“Water Utility” means all water and water rights, waterworks, and appurtenances thereto, machinery, equipment, and supplies used by the Town to supply customers with water; provided, however, that the water service line from, but not including, the corporation stop to the structure or property served shall be regarded as the property of the owner of the property served therewith.

“Well Maintenance” means the maintenance of an existing well allowed to extend the life of an existing well by cleaning out perforations in an existing casing, clean out the sand & gravel deposits from existing casing, and replacing a pump or chlorination of the well.

9-2-2 **Reservation of Rights by the Town**

The use of water under the provisions of this chapter 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.

9-2-3 **Agreement to Rules and Regulations**

No person shall be served with water from the water utility unless he signs a written agreement agreeing to comply with all the rules, ordinances, statutes, and regulations of the Town pertaining to the use of such water. A request for connection to the municipal water system and use of municipal water shall be deemed to grant the users agreement with all such rules, ordinances, statutes, and regulations of the Town with regards to water use.

9-2-4 **Damage to Utility Property** [*§9-2-4 Amended by Ordinance No. 408 on April 17, 2014*]

No person shall in any way damage any property, equipment, or appliance constituting or being a part of the water utility. Any person who may cause damage shall be liable for the expense of restoration or replacement of such damaged property, equipment, or appliances.

9-2-5 **Trespass or Interference with Utility Property**

No person shall trespass upon the property of the water utility or tap any water mains or make any connections therewith or in any matter 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.

9-2-6 **Depositing Material which will Obstruct or Pollute Water**

No person shall cast, place, dump or deposit in any part 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.

9-2-7 **Town not Liable for Broken Pipes and Appurtenances**

No claim shall be made against the Town by reason of breaking of any pipes or other appurtenances in connection therewith.

9-2-8 **Exposure of Pipes to Frost**

It is unlawful for any person to make excavations on any street or other public right of way or easement within six feet of any existing water main while the ground is frozen, or to dig up, uncover or expose to frost any water main or other appurtenances of the water utility except with approval from Public Works department.

9-2-9 **Discontinuance of Service for Failure to Comply with Regulations**

If any water user fails to comply with the provisions of this chapter, other Town ordinances or the rules and regulations of the Town, or uses water for a purpose not authorized or in a wasteful manner, the Town may immediately discontinue water service until the water user is in compliance and has paid any costs incurred because of his noncompliance. Any property owner whose water services are terminated for failure to comply will continue to be billed for sewer unless a sewer shut-off valve is installed at the owner's expense.

9-2-10 **Only Town Employees Allowed to Turn On Water-Exception**

[§9-2-10 Amended by Ordinance No. 408 on April 17, 2014]

No person except a Town employee shall turn on water to any premises, lot, building, house, or other water service when the water has been shut off under the provisions of this chapter for nonpayment. Any violation of this provision shall subject the violator to a misdemeanor charge.

A property owner or representative must be present in order for Public Works to complete requested services.

9-2-11

All Plumbing to be Approved

It is unlawful for any person to cause any plumbing to be connected in any manner to the water utility without approval by the Town.

- (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of Public Works.
- (b) No connection shall be installed or maintained whereby an auxiliary water supply may enter the public water system.
- (c) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by Public Works as necessary for the protection of health and safety.

9-2-12

Fire Hydrants *[§9-2-12 Amended by Ordinance No. 408 on April 17, 2014]*

- (a) It is unlawful for any person with the exception of a duly authorized Town Employee or a member of the Fire Department, who shall tamper with, turn on or off a fire hydrant, or other property, equipment or appurtenance of the utility without permission of the Town.
- (b) Any person desiring to withdraw water from a fire hydrant or to seek permission to regulate or alter any property or appurtenances of the water utility shall made a written application to the Public Works Director or his or her designee.

9-2-13

Water Taps

[§9-2-13 a,b,c,d,e,f,g Amended by Ordinance No. 337 October 8, 2003]

Amended by Ordinance #385 on 10/13/10

[§9-2-13 e(ii), e(iii) Amended by Ordinance No. 408 on April 17, 2014]

- (a) All new primary permitted use construction on all occupied lots or parts of lots or land in the Town within two hundred (200) feet or less of a water main of the Town shall be connected by a water service line in the manner as provided in this Chapter. If the owner of property coming within the purview of this section neglects or refuses to make such connection, the Director of Public Works shall notify such owner to make or cause such connection to be made, by certified mail to the address of such owner, as shown on the tax rolls of the county assessor. Such owner may appeal the notice to connect to the Governing Body by mailing notice of appeal to the mayor, a detailed explanation of the basis of such appeal, within fourteen (14) days of the mailing of the notice to connect. At the expiration of thirty (30) days after the mailing of written notice to connect, or thirty (30) days after the mailing of written notice that the Governing Body has sustained the requirements of such written notice to connect upon appeal, the property and its owner shall be charged the base rate for water by the Town.

- 1) The provisions of 9-2-13(a) shall not apply to property that is within the distance from a main as stated in that section and thus subject to the requirements of 9-2-13(a), but that is provided water service on September 22, 2010 from a permitted, functioning well on the property or to property upon which a permitted well is drilled at any time that the property is not subject to the distance requirements of 9-2-13(a).
- (b) Land in the Town that will be subdivided and developed by a developer within (800) feet or less of a water main of the Town shall be connected by a water service line in the manner as provided in this Chapter. All other portions of section 9-2-13(a) apply.
- (c) It is unlawful for any person to tap or in any other manner cause connection to any water main or other water main or other water conveying part of the water system unless such person shall first secure a permit from the Town for the connection to the town water system. Such permit, when issued, shall be valid only at the location specified thereon for the intended connection.
- (d) Any person desiring to make a connection to the water utility or to use water there from shall make written application to the Town for a permit to do so and shall not make such connection without permit. Such application shall specify the location of the intended connection with sufficient accuracy and description to permit the determination of the point of connection.
- (e) The tap on charge for tapping an existing water main shall be in such amount as set by the Governing Body by resolution from time to time. The tap on charge shall be paid to the Town when the application for the connection permit is made. The resolution shall identify tap on charges for the following criterias:
- i) **Standard Water Tap Fee**
 - ii) **Availability Forgiven Fee** reduces the Standard Tap Fee by \$2,000 for accounts that have continuously participated and paid into the monthly availability fee billing or who are already tapped to services on the same property.
 - iii) **Administrative Corrective Tap Fee** to correct service to structures already tied into the system. Prior to any property where a service line serves two or more buildings being split into separate parcels the new property not having a tap shall acquire a new tap and the existing service line must be abandoned.
 - iv) All water tap fees shall be due and payable prior to issuance of a building permit. The applicant shall provide a partial or complete survey of the property if deemed necessary by the Building Inspector.
[Amended by Ordinance No. 395 4/21/11]
 - v) One water tap fee shall be forgiven when a property owner extends the main to the furthest point of the property.
[Added by Ordinance No. 395 4/21/11]
- (f) Any person causing any alteration, enlargement, or reconstruction of any connection shall secure a permit therefore and pay any applicable fees.

- (g) All service lines shall be constructed by a licensed plumber or specifically permitted contractor and shall be subject to the provisions of this chapter.
- (h) In accomplishing a water tap, the person obtaining the permit shall be responsible for all excavation, employment of the plumber and supplying all material for the tap and the line. The Town shall be responsible for making the actual tap into the main line. An excavation permit is required.
- (i) Structures that are existing on January 1, 2010 and that are connected to the Town water system on that date through a joint tap with another structure that opt to correct the infrastructure can re-tap into the water-main at a reduced tap rate as set by the Governing Body from time to time pursuant to Section 9-2-13 (e) hereof. The reduced tap fee shall be set based upon the town's costs of town staff, vehicles, insurance, etc for the staff to make the puncture, monitor the excavation and compaction, and administration to install the tap and decommission the abandoned tap. When making the new connection the property owner shall comply with Town code section 9-2-14(e) in addressing the prior abandoned tap.
- (j) All new primary permitted use construction will have one tap per structure. Each commercial unit with individual water service shall have individual water meters installed to be charged individual base rate & user rates per approved category per the amount of water being used. Each residential unit will be charged individual base rate and user rates.

9-2-14

Service Lines [*§9-2-14 a, b, d, e, f, g Amended by Ordinance No. 408 on April 17, 2014*]

- (a) Any service line from a main to the point of service shall be installed by the property owner at the expense of the property owner. Property owners connected to the water utility shall keep their service pipes and all fixtures connected therewith in good repair and protected from frost at their expense. Property owners shall be responsible for assuring adequate access to the curb stop for duly authorized Town employees and protection of same.
- (b) Water lines in streets, alleys and other public right of ways shall be plastic with a minimum 200 psi and shall be of sufficient size to furnish an adequate flow of water at peak demand for the proposed use, and shall be a minimum of three-fourths of one inch. The service shall be provided with a corporation cock at the main, curb stop and box at the location prescribed by the Town. Water services must be laid at least ten feet from any sewer service and must be in a separate trench from any sewer service. Water services must be laid a minimum of six feet below the established grade of the street from the water main to the property line. Service line depth must be a minimum of five feet below projected ground grade from the property line to the point of service. Tracer wire will be installed on new and corrected installation of a water service line. When a main is of greater or less depth, the service line shall be brought to the required depth as soon as possible after leaving the point of connection with the main.

- (c) Before any street containing a water line is paved, the owner of the property abutting upon the street shall, at his own expense, install all service lines determined to be necessary to serve the property when fully developed. If a property owner refuses to install necessary service lines, the Town may cause same to be installed and require the property owner to make payment for same before any Town water may be utilized on the property. The Town Council shall determine the costs to be billed to the property owner based on materials, labor and machinery utilized.
- (d) Service lines made of materials other than Plastic with a minimum 200 psi shall be replaced by plastic materials when such lines have become so disintegrated as to be unfit for further use. The property owner shall assume the cost of replacement of the service line and bear the cost of the service line. When such lines are replaced with plastic lines as set forth in this section, the property owner shall assume the maintenance of this service line.
- (e) New services to replace existing services shall not be approved by the Town and the water turned on until the property owner has the old service line dug up and the corporation cock shut off at the main and the severed line has been inspected and verified by Public Works employees. The Public Works Director or his or her designee may excuse certain removals in lieu of capping the line.
- (f) Each property shall be served by its own service line and no connection with the water utility shall be made by extending the service line from one property to another property. In cases where service lines were extended from one property to a different property prior to adoption of this section, the continued use of such extension shall be permitted until replacement is necessary, at which time separate connections shall be made to the water main and the extended service line shall be discontinued. The extension shall be at the expense of the owner of the property served by such extension. Replacement shall be deemed necessary when compliance to this chapter requires including, but not limited to, service termination upon owner's request, discontinuance of service for failure to comply with ordinance, discontinuance for failure to pay for services, upon the subdivision of the property or when the line is not functioning property.
- (g) If a service line that is connected to a main by a paralleling (or going down) a street, alley, or utility easement fails, the property owner shall extend the main and re-establish the service line. Upon extension of the main, the service line needs to be re-established perpendicular to the main.

9-2-15

Water Main [*§9-2-15 a, Amended by Ordinance No. 408 on April 17, 2014*]

- (a) The minimum size of water mains required to serve any part of the Town shall be six inches or agreed to by the Public Works Director or his or her designee with the Towns Professional Engineer and the DEQ. All subdividers or developers shall obtain the necessary Department of Environmental Quality permits and install the necessary water mains,

valves, hydrant and all appurtenant work at their sole expense. The actual size of water mains required for a subdivision or a development shall be determined by the Town, based on design flows for maximum consumption and the necessary fire flows. Should the design size of water mains be exceeded to provide future capacity for adjacent lands or to provide an adequate loop system, the Town may enter into an agreement with the individual for the actual difference in cost of materials from the main size required by the subdivision or development to the size established by the Town. Only the costs for increased size materials, including pipe fittings and valving, shall be reimbursed upon written application of the developer. An excavation permit is required.

- (b) All water mains required to serve a subdivision or development, including circulating mains, shall be installed by the individual initiating such development or subdivision. Detailed plans and specifications in accordance with standards promulgated by the Town shall be permitted by the Department of Environmental Quality and shall thereafter be formally approved by the Town and no construction shall commence until such permit and approval is granted in writing and a preconstruction conference is held with the individual, any contractors involved in construction and the Town. The developer of an addition to the town's water system, shall update the town's digital maps with the as-built information and will provide three sets of as-built drawings.
- (c) All water main extensions shall be made to the farthest point of land upon which a development or subdivision is to occupy.
- (d) When any individual constructs a water main through undeveloped or underdeveloped areas to serve his property or constructs a main on the perimeter of his property, the entire cost of such water mains shall be paid by such individual. The individual may request an agreement with the Town for reimbursement when service connections are made to the main. Such agreements shall provide for a construction charge per foot or area and, if so, collected by the Town as provided in the agreement. In no event shall the payments described herein exceed the original installation cost of such water mains. Any such agreements shall not include payments or collections for the extension of water mains beyond the property.
- (e) All water main construction shall be installed by private contract or the Town may, at its option, provide for construction by municipal employees. Town inspection must be provided for the actual construction. All water mains shall become the property of the Town upon formal acceptance by the Town Council. In no case shall any water main connected to the Town water utility system be held in any ownership other than the Town. The installer of such water mains shall guarantee the installation for one year from and after the date of acceptance by the Town.

9-2-16

Water Meters

- (a) It is unlawful for any person to construct any building requiring municipal water service within the Town without placing thereon, or on the premises on which construction may be made, a water meter for the measurement by meter of water taken from the Town's waterworks system. This installation must be inspected and approved by a duly authorized Town employee. All water meters and outside remote counters installed or used in connection with the Town water system shall be the property of the Town. Except for freezing, damage during construction, or damage caused by any other hazard that may affect the function of the meter, normal maintenance, repair or replacement of the water meter will be taken care of by the town. If additional time is required to perform normal repair or replacement due to the inaccessibility of the meter, the additional time will be billed to the customer.
- (b) Employees of the Town shall have the right to enter upon and return from property upon which a water meter and outside remote counter is located at any time during reasonable working hours for the purpose of reading, inspecting, testing, repairing, adjusting, relocating, removing or replacing the meter or outside remote counter. In the event such entry is refused or in the event such owner or occupant does not contact the Town and arrange to allow employees of the Town to enter upon within 10 days after written request has been made, the Town shall have the right to shut off the water to such property without further notice.
- (c) It is unlawful for any person to deface, inure, loosen, take apart or otherwise tamper with any water meter or outside remote counter.

9-2-17

Restrictions on Water Use

- (a) The Town Council may, from time to time, determine periods of water shortage and restrict the consumption of water for domestic uses only and prohibit the use of water for gardens, lawns and all other uses at specified times by the Town Council. Notice of water restrictions established by the Town Council shall be duly published in a newspaper of general circulation in the Town at least once prior to the enforcement of the restriction. Such publication shall contain the effective date of the water restrictions and describe the method of water rationing or restrictive use. It is unlawful for any person to use or consume water from the Town water system for purposes other than domestic and household uses during periods of water restriction as determined by the Town Council.
- (b) It is unlawful for any person to use water from the water utility as a cooling medium in any appliance, device, or apparatus in excess of five tons of cooling capacity unless such apparatus can be shown to be a recyclable system with retention and reuse.

- (c) It is unlawful for any person to discharge condensate from air cooling coils and any overflow water from evaporative coolers upon any sidewalk, alley, street, or any other public way in the Town.
- (d) In the event of fire, water shortage or other emergency, the Town shall have the authority to require curtailment of the use of water and to make such other restrictions as to the use thereof as is deemed necessary for the protection of the health, safety and welfare of the citizens of the Town.
- (e) The use of water from the water utility for commercial agricultural purposes is prohibited.
- (f) No person having water service shall permit any other person to take or use water from his water service for use on property not connected to the water utility.

9-2-18

Connections to Property Outside Town Limits

- (a) The Town Council may, in its sole discretion, enter into agreements with persons whose land lies outside the corporate limits to extend the Town's water system and supply water for use, needs, and requirements of such persons.
- (b) All customers that request water connection to the Town's water system shall comply with this title in its entirety.
- (c) Before the Town Council shall enter into any agreement to allow the persons the use of, or extension of, Town water supplies outside the corporate limits, the person requesting shall submit evidence to the Town Council and the Town Council shall find that:
 - (1) The extension of water service is economically feasible;
 - (2) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the Town Council, to the then existing ordinances which relate to subdivision, platting, zoning and construction of improvements;
 - (3) Adequate provision for the extension of sanitary sewer service or provision of on-site disposal of liquid wastes can be accomplished within a reasonable time to be fixed by the Town Council;
 - 4) The area within which the property to be served lies can be reasonably expected to be annexed to the Town within the foreseeable future. Any user tapping onto the extended main agrees to enter into a written water annexation agreement with the Town, in which the property owner agrees to annexation at any given time the Town deems such actions necessary;
 - (5) Such extension or service would help promote the growth and development of the Town;
 - (6) Such extension or service would help promote the health, safety, and welfare of citizens of the Town and is generally in the best interests of the citizens of the Town.

9-2-19

Easements, Width and restrictions on interference

- (a) All water systems easements shall be a minimum of 30 feet in width and placement of the water system within the easement shall be at the direction of the Director of Public Works.
- (b) No person shall place or cause to be placed any tree, object, obstruction or other thing, whether temporary or permanent, within the boundaries of a water system easement which interferes in any manner with the laying out, construction, inspection, operation and maintenance of the water system within the easement. Other utilities may be placed in the easement with the express prior written consent of the Town. If any fence is placed across an easement with the consent of the Town, it must be placed across the easement perpendicularly and have a gate across the easement.

9-2-20.1

Cross Connection Control - General Policy *[Created by Ordinance #383 on 8/5/10]*

Purpose The purpose of this ordinance is:

- (a) To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
- (b) To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial-process systems.
- (c) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

Application This ordinance shall apply to all premises served by the public potable water system of the Town of Dubois.

Policy This ordinance will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

If, in the judgment of the water purveyor or their authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the

consumer. The consumer shall immediately comply by providing the required protection at their own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

9-2-20.2 **Definitions**

The definitions listed in Appendix A shall apply in the interpretation and enforcement of this ordinance and have been incorporated into section 9-2-1.

TYPES OF FACILITIES REPRESENTING CROSS CONNECTION HAZARDS

- (a) Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment and service stations;
- (b) Potable water dispensing stations which are served by a public water system;
- (c) Beverage bottling plants including dairies and breweries;
- (d) Canneries, packing houses and reduction plants;
- (e) Car washes;
- (f) Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
- (g) Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
- (h) Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
- (i) Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
- (j) Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;
- (k) Plants processing, blending or refining animal, vegetable or mineral oils;
- (l) Commercial laundries and dye works;
- (m) Sewage, storm water and industrial waste treatment plants and pumping stations;
- (n) Industrial facilities which recycle water;
- (o) Restricted or classified facilities or other facilities closed to the supplier of water or the department;
- (p) Fire sprinkler systems using any chemical additives;
- (q) Auxiliary water systems;
- (r) Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;
- (s) Portable tanks for transporting water taken from a public water system;
- (t) Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

9-2-20.3

Cross Connections Prohibited

- (a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the WYOMING Department of Environmental Quality.
- (b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Water purveyor and the WYOMING Department of Environmental Quality.
- (c) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water purveyor as necessary for the protection of health and safety.

9-2-20.4

Survey and Investigations

- (a) The consumer's premises shall be open at all reasonable times to the Water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- (b) On request by the Water purveyor or their authorized representative, the consumer shall furnish information on water use practices within their premises.
- (c) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on their premises to determine whether there are actual or potential cross connections to their water system through which contaminants or pollutants could backflow into their or the public potable water system.

9-2-20.5

Type of Protection Required

- (a) The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:
- (b) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause severe health hazard.
- (c) An approved air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a

- system or health hazard.
- (d) An approved air gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

9-2-20.6

Where Protection is Required

- (a) An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water purveyor or the WYOMING Department of Environmental Quality, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- (b) An approved air gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the WYOMING Department of Environmental Quality, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:
 - (c) Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water purveyor and the WYOMING Department of Environmental Quality.
 - (d) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
 - (e) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 - (f) Premises having a repeated history of cross connections being established or reestablished.
 - (g) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 - (h) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - (i) Premises where materials of a toxic or hazardous nature are handled such that if back siphon age or back pressure should occur, a serious health hazard may result.
 - (j) The types of facilities listed in Appendix B fall into one or more of the

categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the Water purveyor and the WYOMING Department of Environmental Quality to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Water purveyor and the WYOMING Department of Environmental Quality.

9-2-20.7 **Backflow Prevention Assemblies**

- (a) Any backflow prevention assembly required to protect the facilities listed in Appendix B shall be of a model or construction approved by the Water purveyor and the WYOMING Department of Environmental Quality.
 - (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
 - (2) A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the Water purveyor, and shall appear on the current “list of approved backflow prevention assemblies” established by the WYOMING Department of Environmental Quality.
- (b) Existing backflow prevention assemblies approved by the Water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the Water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the Water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this ordinance.

9-2-20.8 **Installation**

- (a) Backflow prevention assemblies required by this ordinance shall be installed at a location and in a manner approved by the Water purveyor and shall be installed at the expense of the water consumer.
- (b) Backflow prevention assemblies installed on the service line to the consumer’s water system shall be located on the consumer’s side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- (c) Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

9-2-20.9

Inspection and Maintenance

- (a) It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this ordinance are installed to have inspection, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - (1) Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
 - (2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
 - (3) Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
- (b) Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of WYOMING certified backflow prevention assembly tester.
- (c) Whenever backflow prevention assemblies required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- (d) The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the Water purveyor upon request.
- (e) Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.
- (f) Ninety days after this ordinance is passed that it be the responsibility of the well owners in Town limits to identify the physical location of each well (in use or abandoned) and report to the Town whether their well(s) are in use and if it is connected to the home or business.

9-2-20.10

Violations

- (a) The Water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this ordinance is not installed, tested, and maintained in a manner acceptable to the Water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed or if an unprotected cross connection exists on the premises.
- (b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the water surveyor.

9-2-21**Water Wells**

- (a) Any water well drilled within Town limits shall meet the minimum standards as required by American National Standards Institute's (ANSI) standards for American Water Works Association's (AWWA) Water Well Standards with an effective date of August 1, 2006 and identified as "ANSI/AWWA A100-06" including appendices A.1 - K. 4
- (b) Section 9-2-21 1. also applies to the drilling, modifying or deepening of existing wells. If any existing well fails, a replacement well must meet "ANSI/AWWA A100-06" Standards.
- (c) Any property owner with an existing domestic or commercial well that fails that is within the set distance established in 9-2-13(a) that is connected to residence or any structure on the property shall not be permitted a new well and will be required to tap onto the main.
- (d) No domestic Water Well is to be drilled unless the location is outside of the set distance established in 9-2-13(a) except when not connected in any way to the residence or any structure on the property or Town system and meets the above construction standards. The location of Water Wells must be submitted to the Town prior to the property owner's application to the state for a water well permit.
- (e) Building permit applications (outside of the distance established in 9-2-13(a)) that do not submit a coincidental water tap application and make application for a water well shall be required to provide the town a copy of an application to drill a water well with proof of receipt of said application by the State Engineer's Office application permit prior to the building permit being issued.
- (g) Wells within five-hundred (500) feet of municipal wells are prohibited
- (h) Commercial water wells discharging into the Town's Waste Water Collection lines must meter the water usage.
- (i) The provisions contained in Section 9-2-21 except item 3 shall not apply to any well that is legally permitted as of July 28, 2010.

9-21-11**Source Water Protection**

The June 30, 2004 Wyoming Water Assessment and Protection Program (SWAP); Source Water Assessment Program Executive Summary prepared for Dubois by Lidstone and Associates, Inc. from Ft. Collins, Co. is hereby adopted as the Town's Source Water Protection Document.

Chapter 3 Sewer Service System

9-3-1

Definitions

For the purpose of this Chapter, the following words and phrases are defined as follows:

“Availability Fee” means that when the sewer main is within 400 feet and the lot is undeveloped.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

“Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

“Building Sewer” means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

“Combined Sewer” means a sewer intended to receive both wastewater and storm or surface water.

“Commercial” means any property or use which is not a residence or combination of residences, specifically excluding industrial property or uses.

“Commercial Equivalent” means multiple businesses on one line on a single lot.

“Commercial user” shall mean the owner of Commercial property connected to the Town Sewer system.

“Developer” means any landowner, agent of such landowner for whom subdivision or land development plans for more than one town lot are being or have been made.

“Industrial” means uses and property where water use is an integral part of a manufactured commodity or where water is utilized as a cleaning or cooling agent to a commodity produced.

“Natural Outlet” means any outlets, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

[“Occupied” Amended by Ordinance No. 339 on October 8, 2003]

“Occupied” for purposes of this chapter shall mean any Lot, Parts of lots, or Tracts of land upon which is located a residential or commercial structure, and shall apply whether such structure is inhabited or uninhabited, in use or idle.

“Property Owner” applied to any water user, means and includes not only the owner of the whole, but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land and includes any agent of such owner, and where such owner is a body corporate it includes the managing agent or officer within the Town.

“Residence” means any dwelling unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Residential” means any one or combination of residence as defined in this section.

“Residential Equivalent” means structures/units that are available for occupancy or occupied that are not directly connected to available public utilities but are connected by service lines to Standard Residential.

“Residential user” means the owner of residential property connected to the Town Sewer system.

“pH” means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen ion concentration of 10.

“Public Sewer” means a common sewer controlled by the Town

“Sanitary Sewer” means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

“**Service Line**” means a wastewater carrying conduit which collects waste water from the user, house, building, etc that is either 45 degrees or perpendicular to the street and perpendicular to the main, but never parallels the town’s waste water collection lines / easement / street / alley. *[Ordinance #385 on 10/13/10]*

“Sewer” means a pipe or conduit that carries wastewater or drainage water.

“Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty four hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

“Standard Commercial” means customers tapped to all accessible services.

“Standard Residential” means customers tapped to all accessible services.

“Storm Drain” or “Storm Sewer” means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

“Unpolluted water” means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

“Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may be present.

“Wastewater Facilities” means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes, and dispose of the effluent.

“Wastewater Tap” means the physical connection of a building sewer to the public sewer. A wastewater tap fee shall be paid in advance of each tap onto the sewer main.

“Wastewater Tap Fee” means the plant investment fee, as promulgated by the Town Council from time to time, equal to the estimated consumption of plant capacity for each tap to the wastewater system.

“Wastewater Treatment Plant” means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge; sometimes used as synonymous with waste treatment works.

“Watercourse” means a natural or artificial channel for passage of water either continuously or intermittently.

9-3-2

Reservation of Rights by the Town

[§9-3-2 Amended by Ordinance No. 408 on April 17, 2014]

The use of the Town Sewer system under the provisions of this chapter shall not constitute or be deemed to be a relinquishment of any water or wastewater 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 and wastewater.

9-3-3

Improper Deposit of Waste Prohibited

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

9-3-4

Discharge of Untreated Sewage or Polluted Waters Prohibited

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

9-3-5

Private Wastewater System Prohibited

Except as hereinafter provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

9-3-6

Discharge of Certain Waters or Wastes Prohibited

[§9-3-6 f created by Ordinance No. 408 on April 17, 2014]

No person shall discharge or cause to be discharged any of the following described water or wastes to any public services:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any waters containing toxic or poisonous solids, liquids or other wastes, to contaminate the sludge of any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the works. Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Town treatment works shall pay such increased costs.
- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes,

cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinder.

- (e) Unpolluted waters such as storm water, surface water, groundwater, roof runoff, or subsurface drainage to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer in compliance with this chapter and permission of the Town and the State of Wyoming.
- (f) Discharge of Pollutants - Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the Town of Dubois treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs as determined from time to time by the Town Council.

9-3-7

Connection of Surface Drains Prohibited - Exception

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town in compliance with this chapter and State of Wyoming rules and regulations regarding disposal of polluted surface drainage.

9-3-8

Unlawful Contact with Wastewater Facilities Prohibited

No person shall trespass upon the property of the wastewater utility or maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

9-3-9

Wastewater Taps

*[\$9-3-9 (a) Amended by Ordinance No. 338 on October 8, 2003] and Ordinance #385 on 10/13/10
[\$9-3-9 (b) (e) (g)(ii)(iii)(i) Amended by Ordinance No. 408 on April 17, 2014]*

- (a) All new primary permitted use construction on all occupied lots or parts of lots or land in the Town within two hundred (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. If the owner of property coming within the limits of this section neglects or refuses to make such connection, the Director of Public Works shall notify such owner to make or cause such connections to be made, by certified mail to the address of such owner, as shown on the tax rolls of the county assessor. Such owner may appeal the notice to connect to the Governing Body by mailing notice

of appeal to the mayor, a detailed explanation of the basis of such appeal, within fourteen (14) days of the mailing of the notice to connect. At the expiration of thirty (30) days after the mailing of written notice to connect, or thirty (30) days after the mailing of written notice that the Governing Body has sustained the requirements of such written notice to connect upon appeal, the property and its owner shall be charged the base rate for wastewater by the Town.

- (b) Land in the Town that will be subdivided and developed by a developer within (800) 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. All other portions of section 9-3-13(a) apply.
- (c) Properties connecting to the Town wastewater system which are not also connected to the Town water system shall be required to install a sewer valve for the ability to terminate wastewater service. Where connection to the Town wastewater system has been made prior to the adoption of this chapter, installation of such valve shall be required when necessary. Installation shall be deemed necessary when compliance to any or all sections of this chapter require including, but not limited to, voluntary discontinuance of service, discontinuance of service for failure to pay, alteration, enlargement or reconstruction of connection shall be made, or replacement where materials unsuitable.
- (d) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town for uncovering, connection, opening, use, alteration, or disturbance. Such permit, when issued, shall be valid for the location specified thereon.
- (e) Any person desiring to make a connection to the wastewater system, or required to connect under the terms of this chapter, shall make application to the Town. Such application shall be accompanied by any plans and specifications or other information required prior to the issuance of such permit. Such application shall contain sufficient description of the property to accurately determine the location of the proposed connection. An Excavation Permit is required.
- (f) Each person desiring or required to connect to the wastewater utility shall pay the tap fees prescribed for the class thereof for each physical connection made to the wastewater utility. Each person desiring or required to change the size of an existing connection shall pay the tap fees prescribed for the class of the new connection, without credit for tap fees previously paid. Fees paid shall be nonrefundable and shall be considered to have been paid over on behalf of the property specified in the permit application. Payment for all taps and connections as prescribed in this chapter shall be required when building permits are secured. If a connection request does not require a building permit, payment shall be required upon request for a connection tap permit.
- (g) The tap on charge for tapping an existing water main shall be in such

amount as set by the Governing Body by resolution from time to time. The tap on charge shall be paid to the Town when the application for the connection permit is made. The resolution shall identify tap on charges for the following criterias:

- i) **Standard Tap Fee**
- ii) **Availability Forgiven Fee** reduces the Standard Tap Fee by \$2,000 for accounts that have continuously participated and paid into the monthly availability fee billing or are already tapped to services on the same property.
- iii) **Administrative Corrective Tap Fee** to correct service to structures already tied into the system. Prior to any property where a service line serves two or more buildings being split into separate parcels the new property not having a tap shall acquire a new tap and the existing service line must be abandoned.
- iv) All sewer tap fees shall be due and payable prior to issuance of a building permit. The applicant shall provide a partial or complete survey of the property if deemed necessary by the Building Inspector.
[Amended by Ordinance No. 395 4/21/11]
- v) One sewer tap fee shall be forgiven when a property owner extends the main to the furthest point of the property.
[Added by Ordinance No. 395 4/21/11]
- (h) Any person causing any alteration, enlargement or reconstruction of any connection shall secure a permit therefore and pay any applicable fees.
- (i) In accomplishing a wastewater tap, the person obtaining the permit shall be responsible for all excavation, employment of the plumber and supplying all material for the tap and the line. The Town shall be responsible for making the actual tap into the main line and for inspection of the tapped line. An Excavation Permit is required.
- (j) Structures that are existing on January 1, 2010 and that are connected to the Town sewer system on that date through a joint tap with another structure that opt to correct the infrastructure can re-tap into the sewer main at a reduced tap rate as set by the Governing Body from time to time pursuant to Section 9-3-9 (d) hereof. The reduced tap fee shall be set based upon the town's capitalized costs of town staff, vehicles, insurance, etc for the staff to make the puncture to the main. When making the new connection the property owner shall comply with Town code section 9-3-11(d) in addressing the prior abandoned tap.
- (k) All new primary permitted use construction will have one tap per structure. Each commercial unit with individual sewer service shall have individual water meters installed to be charged individual base rate & user rates per approved category per the amount of water being discharged into the sewer system. Each residential unit will be charged individual base rate and user rates.

9-3-10

Building Sewer [*§9-3-10 Amended by Ordinance No. 408 on April 17, 2014*]

- (a) All costs and expense incidental to the installation and connection of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (b) A separate and independent building sewer shall be provided for each building. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Building Inspector to meet the requirements of this Chapter.
- (c) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to prevent gravity flow to the public sewer, sanitary sewage carried by such building shall be lifted by an approved means and discharged to the building sewer. Any sewer fixture in building that is below the rim of the upstream manhole shall have an approved, serviceable backflow device installed.
- (d) New building sewers to replace existing building sewers shall not be approved by the Town or any Town service initiated until the old building sewer is dug up and disconnected at the sewer main and properly abandoned per 9-3-11(e).

9-3-11

Service Lines [*§9-3-11 Amended by Ordinance No. 408 on April 17, 2014*]

- (a) The size of any sewer service line shall not be less than four inches nor more than six inches in diameter inside of the pipe and shall be formed of good, hard and sound vitrified clay or cast iron pipe with root resistant joints or such pipe and materials as may be approved by the Town.
- (b) Backfilling of sewer service line trenches shall be hard packed with care and well rammed to prevent the slightest settling of the trench. The inside of every sewer service line connecting with the sewer utility shall be left smooth and perfectly clean throughout its entire length and the ends of all lines not to be immediately used shall be securely guarded against the introduction of earth, sand or other foreign material by bricks and cement or other watertight and impervious material.
- (c) The cost of installing the sewer service line shall be paid by the property owner. The owners of the property served by a sewer service line shall be responsible for repairing such sewer service line when, in the opinion of the Public Works Director or his or her designee, such line has become inoperative due to stoppage, crushing, settlement, or any other defect.
- (d) If a service line that is connected to a main by a paralleling (or going down) a street, alley, or utility easement fails, the property owner shall extend the main and re-establish the service line. Upon extension of the main, the service line needs to be re-established perpendicular to the main.
- (e) Any new service line to replace an existing service line or abandonment of any sewer service shall not be approved by the Town until a plan is in

place to cap the service to be abandoned with a Town approved leak band or other approved method. The capping of the abandoned service line shall be done in accordance with the plan and within the time set by the Town.

9-3-12

Wastewater Mains

- (a) The minimum size of Wastewater mains required to serve any part of the Town shall be eight inches. All sub-dividers or developers shall install the necessary wastewater system and all appurtenant work at their sole expense and after having obtained a permit to do so from the Department of Environmental Quality. The actual size of public sewer mains required for a subdivision or a development shall be determined by the Department of Environmental Quality and approved thereafter by the town, based on design flows for maximum consumption. Should the design size of public sewer mains be exceeded to provide future capacity for adjacent lands, the Town may enter into an agreement with the individual for the actual difference in cost of materials from the main size required by the subdivision or development to the size established by the Town. Only the costs for increased size materials, including pipe fittings and valving, shall be reimbursed.
- (b) All public sewer mains required to serve a subdivision or development shall be installed by the individual initiating such development or subdivision. Detailed plans and specifications in accordance with standards promulgated by the Town shall be permitted by the Department of Environmental Quality and thereafter shall be formally approved by the Town and no construction shall commence until such permit and approval is granted in writing and a preconstruction conference is held with the individual, any contractors involved in construction and the Town.
- (c) All public sewer main extensions shall be made to the farthest point of land upon which a development or subdivision is to occupy.
- (d) When any individual constructs a public sewer main through undeveloped or underdeveloped areas to serve his property or constructs a main on the perimeter of his property, the entire cost of such public sewer mains shall be paid by such individual. The individual may request an agreement with the Town for reimbursement when service connections are made to the main. Such agreements shall provide for a construction charge per foot or area and, if so, collected by the Town, shall be paid to the original installer as provided in the agreement. In no event shall the payments described herein exceed the original installation cost of such public sewer mains. Any such agreements shall not include payments or collections for the extension of public sewer mains beyond the property.
- (e) All public sewer main construction shall be installed by private contract or the Town may, at its option, provide for construction by municipal employees. Town inspection must be provided for the actual construction. All public sewer mains shall be dedicated to the Town upon formal

acceptance by the Town Council. In no case shall any public sewer main connected to the Town waste water utility system be held in any ownership other than the Town. The installer of such public sewer mains shall guarantee the installation for one year from and after the date of acceptance by the Town. The developer of an addition to the town's waste water system, shall update the town's digital maps with the as-built information and will provide three sets of as-built drawings.

9-3-13 **Plumbing and Maintenance**

- (a) From time to time the Town shall adopt standard specifications for the construction of wastewater facilities. All technical requirements of the specifications are adopted as if enumerated in this chapter.
- (b) All plumbing shall be subject to inspection by any duly authorized Town Employee to assure the provisions of this Chapter are being complied with. It is unlawful for any person to cause any plumbing to be connected in any manner to the wastewater utility without such inspection and approved by the Town.
- (c) Property owners connected to the wastewater utility shall keep their building sewers and all fixtures connected therewith in good repair, free from clogs and protected from frost at their expense.

9-3-14 **Installation of Interceptors**

All building permits will be reviewed by the Public Works Department to evaluate the need for interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the Town. In the maintaining of these interceptors the property owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town. No solubilizer or emulsifier shall be added to the interceptor or any waste stream.

9-3-15 **Right of Town to Enter Property**

Any duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system.

9-3-16 **Acceptance of Waste Loads**

- (a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which may have a harmful effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- (1) Reject the wastes;
 - (2) Require the pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (b) If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and in compliance with this Chapter, the Wyoming State Department of Environmental Quality, and Wyoming State Department of Health.

9-3-17

Private Disposal Systems [*§9-3-17 (c) (d) Amended by Ordinance No. 408 on April 17, 2014*]

- (a) Where a public sanitary or combined sewer is not available within 200-feet as provided for under the provisions of this chapter, the building sewer may be connected to a private wastewater disposal system complying with the provisions of this chapter.
- (b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from Fremont County and the DEQ, if necessary.
- (c) The private wastewater disposal system shall comply with all statutes of the State of Wyoming, and all ordinances, rules, recommendations, and regulations issued under authority of those statutes by Fremont County or rules and regulations of the State of Wyoming. The private wastewater disposal system shall be inspected and approved by Town staff. The Public Works Director or his or her designee must be present to inspect the perk test.
- (d) At such time as public sewer becomes available within 200 feet of a property served by a private wastewater system, a direct connection shall be made to the public sewer upon failure of the private wastewater system. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material when abandoned.

9-3-18

Connections to Property Outside Town Limits

- (a) The Town Council may, in its sole discretion, enter into agreements with persons whose land lies outside the corporate limits to extend the Town's wastewater system for use, needs, and requirements of such persons.
- (b) All customers that request sewer connection to the Town's wastewater system shall comply with this title in its entirety.
- (c) Before the Town Council shall enter into any agreement to allow the persons the use of, or extension of, Town wastewater system outside the corporate limits, the person requesting shall submit evidence to the Town Council and the Town Council shall find that:

- (1) The extension of wastewater disposal service is economically feasible;
- (2) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the Town Council, to the then existing ordinances which relate to subdivision, platting, zoning and construction of improvements;
- (3) Adequate provision for the extension of sanitary sewer service can be accomplished within a reasonable time to be fixed by the Town Council.
- (4) The area within which the property to be served lies can be reasonably expected to be annexed to the Town within the foreseeable future. Any user tapping onto the wastewater system agrees to enter into a written wastewater system agreement with the Town, in which the property owner agrees to annexation at any given time the Town deems such actions necessary;
- (5) Such extension or service would help promote the growth and development of the Town;
- (6) Such extension or service would help promote the health, safety, and welfare of citizens of the Town and is generally in the best interests of the citizens of the Town.
- (7) Any upgrade required to the WWTP or collection system, by the additional development outside of town limits, shall be paid for by the developer.

9-3-19

Easements, Width and Restrictions on Interference

- (a) All sewer systems easements shall be a minimum of 30 feet in width and placement of the sewer system within the easement shall be at the direction of the Director of Public Works.
- (b) No person shall place or cause to be placed any tree, object, obstruction or other thing, whether temporary or permanent, within the boundaries of a sewer system easement which interferes in any manner with the laying out, construction, inspection, operation and maintenance of the sewer system within the easement. Other utilities may be placed in the easement with the express prior written consent of the Town. If any fence is placed across an easement with the consent of the Town, it must be placed across the easement perpendicularly and have a gate across the easement.

Chapter 4 Fragmented Infrastructure

[Created with Ordinance No. 388 on 9/30/10]

9-4-1

Definitions

For purposes of Title Nine, Chapter Four of the Dubois Town Code the following definitions shall apply:

- (a) A fragmented water main or sewer main shall mean a water main or sewer main that has been previously constructed in an area of Town, but that was not constructed to serve the entire area of the Town in which it was constructed, either by the developer of the area or otherwise or was not constructed in such a manner as to provide looping of the mains.
- (b) Corrective actions: A corrective action shall mean action that must be taken to continue service to a premises that is currently served by the Town water and sewer system through a service line and that entails extension of the water or sewer main to accomplish such correction.

9-4-2

Funding

- (a) The governing Body of the Town of Dubois may in its annual budget provide for funds to construct water and sewer mains in accordance with this Ordinance in an annual amount as it deems feasible.
- (b) If funds are budgeted for under subsection a hereof the Town shall use its priority list that it shall establish in accordance herewith to determine eligibility for the funds in compliance with the Rules and Regulations established hereunder and begin preliminary work on the project.

9-4-3

Prioritizing and Construction of Fragmented Water or Sewer Mains

- (a) The Town shall conduct a study of the Town water and sewer main system within the Town, shall identify and prioritize the fragmented water and sewer mains in the Town, and maintain the priority list. If funds are budgeted in any fiscal year the Town may construct and complete fragmented sections according to the priority and pursuant to the Rules and Regulations that shall be adopted by Resolution of the Town.
- (b) Prior to construction of a fragmented main the owners of the property to be served by the main shall enter into an agreement with the Town for the repayment of the cost of the main extension. The agreement and eligibility for funding shall be in accordance with the rules and regulations developed by the Town and adopted by Resolution, and the agreement shall provide, at a minimum, that the property owner shall pay his proportionate share of the cost of the extension of the main, with the proportion to be determined on a the number of properties served or to be served by the extension, that they shall connect to the main upon completion of the same, if an occupied lot, or within a period of 18 months if an unoccupied lot, that the proportionate share of the cost of the main may be paid in a lump sum, or

paid, with interest thereon at the rate of 4% per annum, shall be re-paid to the Town over a period not to exceed 10 years, in monthly installments, with the installments added to the property owners consolidated utility bill.

- (c) Any re-paid funds shall be deposited in the water or sewer fund.

9-4-4

Corrective Actions

- (a) A property owner that is currently connected to the Town water or sewer system through a service line may make application for the Town to extend the water and/or sewer main to serve the property due to failure of an extended water and/or sewer service line in order to correct the failed connection.
- (b) If the Town approves the application and extends the water and/or sewer main, prior to such extension the property owner shall enter into an agreement with the Town that they will repay to the Town the cost of the water and/or sewer main extension in agreed monthly payments. Such agreements shall further provide that any balance owing shall be due on transfer of ownership of the property, and further provide that water and/or sewer service shall not be provided to the property after the transfer of ownership until such remaining amount is paid in full.
- (c) In circumstances in which other property owners connect to the constructed main prior to full payment of the cost of extending the water/sewer main, the Town shall prorate the cost of the main extension between the persons that connect to the same.
- (d) If the Property Owner should fully pay the cost to extend the water and/or sewer main, either through monthly payments with a 4% interest paid on the unpaid balance or through transfer of ownership, then the Town shall enter into an agreement to recapture the proportionate share of the costs including interest costs on a proportionate basis from land owners who subsequently connect onto the main extension and shall repay the same to the owner of the property at the time payment is made by the person connecting to the extended line. Recapture of costs shall only apply to lateral connections and not to further main extensions. Proportionate share shall be determined on a per lot basis. *[Amended by Ordinance No. 393 11/18/10]*
- (e) This Section shall not apply to any sale of real property that closed after September 22nd, 2010. *[Amended by Ordinance 392 11/18/10]*