

**ORDINANCE NO. 9 - 2018**

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**TITLE 18, CHAPTER 1, SECTION 18-111**

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**ORDINANCE AMENDING SECTION 18-111 OF CHAPTER 1, TITLE 18 OF THE CODE OF THE TOWN OF MOORCROFT, WYOMING 1979 TO AMEND GARBAGE UTILITY BILLING PROCEDURE, DELINQUENCY, DISCONTINUANCE OF SERVICE FOR DELINQUENCY AND REESTABLISHMENT OF SERVICE FOLLOWING DELINQUENCY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, CROOK COUNTY, WYOMING, that:**

**SECTION 1:** Section 18-111 of Chapter 1, Title 18 of the Code of the Town of Moorcroft, Wyoming 1979 shall be and the same hereby is amended to read in complete form as follows:

**"18-111 - GARBAGE BILLING PROCEDURE; DELINQUENCY; COLLECTION-**

- (a) All persons, firms, corporations or associations receiving garbage and refuse collection service from the Town ("customer"), whether furnished within the limits of the Town or not, shall promptly pay for such service at the time and in the manner hereinafter set out, in compliance with the provisions of this Chapter.
- (b) As used in this Section, the term "billed premises" means the house, building, structure or facility to which garbage and refuse collection service is furnished by the Town, and for which payment of the applicable charges therefore are delinquent.
- (c) All bills or statements from the Town for garbage and refuse collection service, mailed to the customer before the last day of any month, shall be due and payable on or before the 15<sup>th</sup> day of the next month (the "due date").
- (d) Any bill or statement from the Town given in accordance with the applicable provisions of this Chapter for garbage and refuse collection service that remains unpaid, in full or in part, after the due date thereof as provided in this Chapter shall be deemed to be delinquent.

(e) Any bill or statement for garbage and refuse collection service which becomes delinquent and is not paid in full within five (5) business days following the due date thereof shall be assessed a late fee of ten percent (10%) of the amount due or twenty-five dollars (\$25.00), whichever is greater. In the event a customer is delinquent in the timely payment for garbage and refuse collection to a billed premises, and is also delinquent in the timely payment for Town water service or sewer service to the same billed premises, the ten percent (10%) late fee shall be assessed for each delinquent utility service as a single late fee, but the minimum twenty-five dollar (\$25.00) late fee shall apply to the combined late fee amount(s), and not individually for each utility service. If a customer's bill or statement for garbage and refuse collection service is not paid in full within five (5) business days following the due date thereof, then within two (2) business days thereafter the Town shall mail to the customer by first class United States mail, postage prepaid, to customer's address appearing in the Town records, written notice: (i) of the delinquent amount(s) due for all Town utility services (garbage and refuse collection service, water service and sewer service) provided to the billed premises; (ii) of the assessment of the late fee hereinabove provided, including the amount of the late fee; and (iii) that if the delinquent amount(s) due for all Town utility services (garbage and refuse collection service, water service and sewer service) provided to the billed premises together with the amount of the assessed late fee is not paid in full by the last business day of the month of the notice, then without further notice, the Town shall have the right to discontinue providing any and all Town utility services (garbage and refuse collection service, water service and sewer service) to customer's billed premises even if customer is not delinquent in the payment of customer's water service and/or sewer service to the billed premises.

(f) If any portion of customer's delinquent Town utility service account (garbage and refuse collection service, water service and/or sewer service), together with the assessed late fee, remains unpaid after the last business day of the month in which notice was sent in accordance with subsection (d) of this Section, the Town may, at any time thereafter, and without further notice to customer, discontinue any or all Town utility services (garbage and refuse collection service, water service and/or sewer service) to the billed premises. If the billed premises receives sewer service from the Town but is supplied with water from a source other than the Town's municipal water system, such as from a private well or otherwise, the Town may discontinue sewer service furnished through the facilities of the Town to the billed premises by removing, modifying, shutting off or otherwise disconnecting the customer's sewer service line from the Town's sewer system. Further, if the billed premises receives water service from the Town but there is no corporate shut-off to the billed premises, the Town may discontinue water service furnished through the facilities of the Town to the billed premises by removing, modifying, shutting off or otherwise disconnecting the customer's water service line from the Town's water system.

(g) In addition to payment in full of customer's delinquent utility service account, including the assessed late fee, the minimum charge to reestablish one or more of customer's Town utility service(s) following discontinuance as provided in subsection (e) of this Section shall be fifty dollars (\$50.00), whether customer receives one or more utility service(s); provided, however, that in addition to the fifty dollar (\$50.00) reestablishment fee, the customer shall be assessed a one-thousand dollar (\$1,000.00) fee in the event the Town is required to excavate the customer's service line(s) to the billed premises in order to disconnect, plug or cap, or otherwise discontinue water service and/or sewer service.

(h) When garbage and refuse collection, water and/or sewer service furnished to a billed premises by the Town is discontinued due to delinquency in payment of applicable garbage and refuse collection charges as provided in this Section, such service(s) shall not be restored to the billed premises until and unless: (i) all charges for all Town utility service(s) furnished to the billed premises are paid in full and current, including charges for billed and unbilled water service, sewer service and garbage and refuse collection service; (ii) the assessed late fee as provided in subsection (e) of this Section is paid in full; (iii) the fee to reestablish service(s) as provided in subsection (g) of this Section is paid in full; (iv) any fee assessed for insufficient or non-sufficient payment as provided in subsection (j) of this Section is paid in full; and (v) any deposit(s) required to be paid pursuant to the provisions of this Code for the commencement or recommencement of Town utility service(s) is paid in full.

(i) When any of the dates for payment, mailing of notice, or discontinuance of service shall fall on a Saturday, Sunday or legal holiday, said date shall be construed and changed to mean and be the next business day following said date that is not a Saturday, Sunday or legal holiday.

(j) Any check, draft, ACH, or other method of payment, except cash, postal money order, certified check or cashier's check, shall be conditionally accepted by the Town as payment for Town utility services (garbage and refuse collection service, water service and/or sewer service), at the discretion of the Town Clerk. In the event such check, draft, ACH, or the instrument or method of payment fails to clear the bank or other financial institution upon which same is drawn, or for any other reason not the fault of the Town is not promptly paid or credited to the Town, said payment shall be declared void, and said bill or statement shall be considered delinquent as provided in subsection (c) of this Section unless acceptable payment is tendered and accepted before the date when such bill or statement would become delinquent. In the event a payment is denied for insufficient or non-sufficient funds, a \$32.00 fee will be added to the customer's utility account.

(k) It is expressly provided that the remedies for collection of delinquent bills for garbage and refuse collection service as provided in this Section are not exclusive,

and do not in any way alter, waive, delay or abridge the right of the Town to bring suit in any court of competent jurisdiction for the collection of any bills, amounts, accounts, or other obligations due and owing the Town."

**SECTION 2:** This Ordinance shall become effective after passage and upon publication as provided by law, and any ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed on first reading: October 8, 2018

Passed on second reading: November 8, 2018

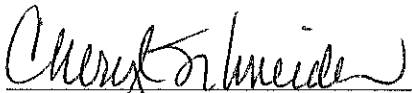
PASSED, APPROVED AND ADOPTED on third reading this 10<sup>th</sup> day of December, 2018.

**TOWN OF MOORCROFT:**



Paul Smoot  
Mayor Pro Tem

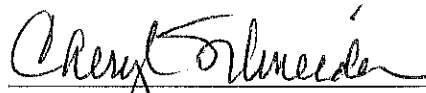
ATTEST:



Cheryl Schneider  
Town Clerk/Treasurer

**CERTIFICATE OF PUBLICATION**

I, Cheryl Schneider, Clerk/Treasurer of the Town of Moorcroft, Wyoming, hereby certify that Ordinance No. 9-2018 was published in the Moorcroft Leader, Moorcroft, Wyoming on this 10<sup>th</sup> day of December, 2018.



Cheryl Schneider  
Town Clerk/Treasurer