

ORDINANCE NO. 9 2018

AN ORDINANCE AMENDING SECTION 13.04.030 OF THE POWELL CITY CODE PERTAINING TO DELINQUENCY CHARGES FOR UTILITY ACCOUNTS BY SETTING DUE DATES FOR UTILITY BILLS, PENALTY AND LATE FEES, AND DATE WHEN BILL CONSIDERED DELINQUENT

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.04.030 of the Powell City Code is hereby amended to provide as follows:

Section 13.04.030. **Late and Delinquent Accounts.**

All utility bills imposed by the city are due and payable by the tenth (10th) day of each month. If any customer shall fail to pay the bill within 5 days of the due date, a penalty or late fee of \$15.00 or 2% of the past due amount will be added for each month or major fraction of a month that the bill is overdue, whichever is greater.

If any customer shall fail to pay the bill within 15 days of the due date, the account will be considered delinquent and City shall notify customer in writing as set forth in section 13.04.050.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST:


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 10 2018

AN ORDINANCE AMENDING SECTION 13.04.040 OF THE POWELL CITY CODE PERTAINING TO CAUSE FOR DISCONTINUANCE OF UTILITY SERVICES BY LISTING REASONS FOR DISCONTINUANCE.

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.04.040 of the Powell City Code is hereby amended to provide as follows:

Section 13.04.040. Cause for discontinuance of utility service.

A. The City may discontinue or refuse utility services to any customer, without notice for any of the following reasons:

1. When the customer so requests;
2. When it is determined by an employee of the city that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to the health or safety of persons or to property on or near the customer's premise;
3. For repairs or additions to, or replacements of the utility delivery system;
4. For inability of the city to supply electricity by reason of legal process or direction of other public authority;
5. When necessitated by strikes, riots, fire, accident, insufficient power supply, or other unavoidable cause;
6. When customer receiving utility services has failed to complete a utility service application and pay the required deposit;
7. When the customer violates any rule or regulation of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons or the integrity of the city utility services' delivery system;
8. When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

B. The City may discontinue or refuse utility services to any customer, with notice for any of the following reasons:

1. Non-payment of utility bills and charges as set forth in section 13.04.050

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.


Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST:


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 11 2018

AN ORDINANCE AMENDING SECTION 13.04.050 OF THE POWELL CITY CODE PERTAINING TO DELINQUENT ACCOUNTS; PROCEDURES FOR TERMINATION OR INSTALLATION OF A SERVICE LIMITER BY CHANGING THE TIMING OF THE DELINQUENT NOTICE, ELIMINATING THE SPECIFIED HEARING DATE, CLARIFYING THE REQUIRMENTS FOR EXTENSTION OR PAYMENT ARRANGEMENT, REQUIRING CASH OR CASH EQUIVALENT FOR DELINQUENT ACCOUNT PAYMENTS, AND IMPLEMENTING A 4:00 PM CUTOFF TIME FOR REINSTATEMENT OF SERVICES.

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.04.050 of the Powell City Code is hereby amended to provide as follows:

Section 13.04.050. Delinquent accounts; procedures for termination or installation of a service limiter.

A. Notice of Account Delinquency will be issued in writing after an account has become 15 days past due. The notice shall be sent at least 10 days prior to the scheduled disconnect date and the notice will include:

1. Name of the customer and service address;
2. The amount required to be paid in order to avoid disconnection;
3. The date on or after which service is to be disconnected;
4. The amount required to be reconnected, which will be any past due amounts at the time of reconnection plus any penalties and fees;
5. The contact information regarding who to contact with questions;
6. For residential customers, if prior to the initial date for the discontinuation, the customer provides the utility with written verification from a health care provider responsible for the care of a customer or his/her co-habitants stating that their health or safety would be seriously endangered if service were discontinued, the utility shall extend the date for discontinuation by 15 days to allow for bill payment.

B. The City Administrator or their designee may grant a 15 day extension or make a reasonable payment arrangement in cases of unforeseen financial hardship. If a previous payment plan has not been successfully completed by the customer, this shall be taken into account.

C. Should the customer not comply with the terms of the letter, a delinquent account fee shall be assessed and services disconnected.

D. Payments made to avoid disconnection or to restore services must be made in cash or cash equivalent.

E. If payment made to restore services is received before 4:00 PM, services will be restored same day if possible. If payment is received after 4:00 PM, services will be restored the next business day if possible. A non-emergency call out fee may be paid and services reinstated same day.

F. Service limiters may be installed on residential customers during winter months rather than disconnect.

G. Any customer who is sent three or more shutoff notices in a 12-month period shall be required to pay the applicable deposit in order to continue receiving utility services.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

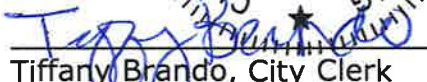
Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST:


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 12 2018

AN ORDINANCE AMENDING SECTION 13.04.070 OF THE POWELL CITY CODE PERTAINING TO UTILITY DEPOSITS BY ELIMINATING THE LARGER DEPOSIT AMOUNTS FOR ALL ELECTRIC SERVICES AND COMMERCIAL ACCOUNTS, CHANGING THE DEPOSIT AMOUNT FOR INDUSTRIAL COMMERCIAL ACCOUNTS, AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE THE DEPOSIT REQUIREMENT IN CERTAIN CIRCUMSTANCES AND REQUIRING A DEPOSIT FOR BANKRUPTCY PROTECTION.

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.04.070 of the Powell City Code is hereby amended to provide as follows:

Section 13.04.070. Utility Deposits.

A. Before any application for utility service is granted, the customer shall complete a service application and pay to the city finance office a utility deposit according to the following schedule:

Residential or Commercial: \$300.00 per electric meter
Industrial Commercial: 2 month's highest bill (or estimated bill)

B. No deposit shall earn interest.

C. Deposits will be applied to the account after one year of satisfactory payment history according to the records of the city, or when service is terminated, provided that no bills or penalties remain.

D. The City Administrator or their designee may waive the deposit requirement in instances such as but not limited to Governmental Entities, landlords that have current services and good payment history or other entities that are deemed to be credit worthy.

E. Utility Accounts In Bankruptcy Protection: Customers with city of Powell utility accounts in bankruptcy protection may be required to provide a deposit or other "assurance of payment" as outlined in U.S. Code title 11, chapter 3, subchapter IV, section 366 to continue receiving utility service. The assurance of payment shall be a minimum of \$300 or two times the highest utility bill in the past year, whichever is greater.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.

ATTEST



Tiffany Brando
Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING

John F. Wetzel
John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 13 2018

AN ORDINANCE AMENDING SECTION 13.04.080 OF THE POWELL CITY CODE PERTAINING TO OTHER GENERAL UTILITY BY ADDING SERVICE IS NONTRANSFERABLE, CHANGES IN PROPERTY OWNERSHIP, CHANGES IN PROPERTY TENANCY, SERVICE APPLICATION REQUIREMENT, BILLING ERROR RESOLUTION AND AUTHORIZATION FOR ENTRY FOR INSPECTION.

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.04.080 of the Powell City Code is hereby amended to provide as follows:

Section 13.04.080. Other General Utility.

- A. Service Nontransferable Without Advance Approval: The electrical service furnished by the City is intended to be used by the actual customer that has entered into the contract with the City for the uses contemplated by the rate category of the service. This service is not to be resold, assigned, used or extended off of the tract of land served for the use or benefit of any other individual, corporation or other entity in advance of receiving the specific written approval of the City Administrator or his/her designee.
- B. Changes In Property Ownership: In the case of a change in ownership of any property to which the City of Powell provides utility services, it is the responsibility of the new owner/transferee to establish a utility account as of the date of sale, transfer or conveyance. If the new owner/transferee establishes the utility account after the date of sale, transfer or conveyance the new owner/transferee shall be responsible for payment of all charges incurred back to the date of sale, transfer or conveyance of the property. In the event the new owner/transferee fails to establish a utility account, the City of Powell reserves the right to establish a utility account in the name of the new owner/transferee. In the case of foreclosures, the date of sale, transfer or conveyance shall be the date of the foreclosure sale as confirmed by the Park County sheriff's office.
- C. Changes In Property Tenancy: In cases where a tenant is provided utility services by the City of Powell and the services are billed in the tenant's name it is the responsibility of the tenant to notify the City of Powell in advance of when the tenant occupies or vacates the property and requests to start or terminate utility service. A tenant's services may be terminated by the City of Powell without a request from the tenant if notification is received from a landlord or property owner or upon receipt of an application for utility service from a new tenant. If a tenant fails to notify the City of Powell to terminate services as of the actual date the tenant vacated the property, the City of Powell shall terminate services as of the date the notice to terminate is received. The tenant shall be responsible for all charges incurred through the date of termination and no adjustment of charges shall be made to a tenant's bill for a tenant's failure to provide a timely termination notice to the City of Powell as required.
- D. Service Application: A service application is required to be completed by all individuals, governmental entities and commercial businesses requesting utility services from the City of Powell. An applicant and/or co-applicant receiving service at a new service address must pay any and all outstanding utility debts he/she may have accrued in the City before a new service may be started.
- E. All payments received by the City from a property owner or utility user shall be applied towards any billing by priorities established in the City's utility billing software program.
- F. Billing Error Resolution: If there is found to be an error as a result of a metering inaccuracy or other billing error, the City will recalculate the charges in the six (6) previous billing periods and either refund or charge the customer

accordingly. If the customer was undercharged, the City will make reasonable payment arrangements.

- G. Whenever any officer or employee of the City is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall gain entry in the manner provided in subsection H of this section, except in emergency situations, or when consent of the person having charge or control of such buildings or premises has been otherwise obtained.
- H. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse through every remedy provided by law to secure entry.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST:

Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 14 2018

AN ORDINANCE AMENDING SECTION 15.12.180 OF THE POWELL CITY CODE PERTAINING TO OTHER FEES THAT ARE ADOPTED BY ORDINANCE AND AVAILABLE FOR PUBLIC EXAMINATION AT CITY HALL AND BY INCREASING THE DELINQUENT ACCOUNT FEE, ESTABLISHING A NON-EMERGENCY AFTER HOURS CALL OUT FEE AND VOLUNTARY DISCONNECT FEE.

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 15.12.180 of the Powell City Code is hereby amended to provide as follows:

Section 15.12.180. Other Fees.

Delinquent account fee that is explained in section 13.04.050, move fee that is charged for moving electrical service from one location to a new location, disconnect fee that will be charged when a customer wants to stop their electric service and a non-emergency after hours call out fee are determined by ordinance adopted by the city council, from time to time and available for public examination at City Hall.

The following fees are hereby adopted (These fees will be available at City Hall, but will not be codified in the City of Powell Code Book):

- Delinquent Account Fee: \$50.00
- Move Fee: \$25.00
- Disconnect Fee: \$50.00
- Non-emergency after hours call out fee: \$130.00

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST: ★


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 15 2018

AN ORDINANCE REPEALING SECTION 13.12.210 OF THE POWELL CITY CODE PERTAINING TO MONTHLY BILLING DATES AND DELINQUENT ACCOUNTS FOR WATER WORKS SYSTEMS AS THIS IS COVERED IN ANOTHER SECTION OF THE CODE

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Section 13.12.210 of the Powell City Code pertaining to monthly billing dates and delinquent accounts is hereby repealed.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.

Passed on third reading this 5th day of November, 2018.



ATTEST:


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018

ORDINANCE NO. 16 2018

AN ORDINANCE AMENDING SECTION 13.12.020 OF THE POWELL CITY CODE CONCERNING POWERS AND DUTIES OF CITY ADMINISTRATOR WITH SHUT OFF NOTICES FOR WATER WORKS SYSTEM BY REPEALING SUBPARAGRAPH B

IT IS HEREBY ORDAINED by the governing body of the City of Powell, Park County, Wyoming, as follows:

Section 1. Subparagraph B of Section 13.12.020 of the Powell City Code is hereby repealed.

Section 2. This ordinance shall be in full force and effect upon adoption and publication as required by law.

Passed on first reading this 1st day of October, 2018.

Passed on second reading this 15th day of October, 2018.


Passed on third reading this 5th day of November, 2018.



ATTEST:


Tiffany Brando, City Clerk

CITY OF POWELL, WYOMING


John F. Wetzel, Mayor

PUBLISH: Powell Tribune: Thursday, November 8, 2018