

**TOWN OF HARRIS**  
**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADOPTING SECTION \_\_\_\_\_ TO TITLE/CHAPTER \_\_\_\_\_ OF THE TOWN OF HARRIS ORDINANCES, PROVIDING FOR ASSESSMENT AND ENFORCEMENT OF LIENS ON DELINQUENT UTILITY ACCOUNTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Harris provides culinary water, wastewater, solid waste disposal and ++++++ goods and or services; and

WHEREAS, the goods or services provided are supported or provided by enterprise funds of the Town, which are designed to be self-sustaining so the cost of providing the goods or services is financed by user fees and charges without appropriation or funding from the Town's general fund; and

WHEREAS, on occasion utility accounts become delinquent and the delinquency can impair the Town's ability to provide the goods or services efficiently and fairly and ensure the enterprise fund is self-sufficient without resort to general fund supplementation or appropriation; and

WHEREAS, the Town's providing utility goods or services constitutes provision of a very basic municipal good or service that affects the health, safety and general welfare of the public; and

WHEREAS, the provision of some of these goods and services are also directly tied to fire and environment protections which affect the health, safety and general welfare of the public; and

WHEREAS, Wyo. Stat. 15-1-126 provides:

Every officer and employee collecting or receiving monies belonging to the city or town shall settle with the treasurer on or before the last day of each month, or as directed by the governing body, and immediately pay all money into the treasury for the benefit of the funds to which the monies belong. If the last day of the month falls on Sunday, or a legal holiday, the payment shall be made on the next preceding business day; and

WHEREAS, the Town Council of the Town of Harris has determined that the provision of such goods and services and the proper funding thereof are a critical and important function of the Town, are necessary to protect and promote the health, safety and general welfare of the public and to so in such a manner as the utility funds are self-sustaining and not reliant on the Town's general fund,

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF HARRIS, WYOMING;

**Section 1:** Section \_\_\_\_\_ of Title/Chapter \_\_\_\_\_ of the Ordinances of the Town of Harris is hereby adopted which shall read as follows:

§ \_\_\_\_\_ Services prohibited without account.

A. The Town shall not open any utility account, nor shall any employee initiate any utility services unless authorized to do so by the user in person or through written notification.

B. Users receiving utility services shall be billed by the Town in accordance with the rate schedule established by the annual budget resolution/ordinance. All fees or charges provided under this chapter shall be due on the date of billing.

C. Any billing for utility services remaining unpaid after the last working day of each month from the date of the billing shall be considered delinquent and subject to a penalty for late payment. The late payment penalty shall be computed on the rate specified in the annual budget resolution/ordinance.

D. All unpaid delinquent utility service charges shall constitute a lien against the service unit and property to which utility services are delivered by the filing with the county clerk a lien statement verifying the accuracy of the lien and the allegations set forth in the lien statement, sworn to and acknowledged by the town or its authorized representative before a notarial officer. The county clerk shall record and index the lien statement by date, names of claimant and property owner, and legal description of the property. The lien statement shall contain as appropriate the following information:

- (i) The name and address of the town;
- (ii) The amount claimed to be due and owing;
- (iii) The name and address of the record owner against whose property the lien is filed;
- (iv) The name and address of the holder of any prior lien, security interest or mortgage on or against the property the lien is filed;
- (v) The legal description of the property where the services were provided; and
- (vi) An itemized list setting forth the charges claimed to delinquent.

E. Notice shall be sent by the town to the last record owner or his agent and any prior lienholder, security interest holder or mortgagee within thirty (30) days after the lien statement is filed. Failure to send the notice required under this subsection shall not affect the validity of the lien.

F. As a fee for recording a lien statement, the county clerk shall collect from the city or town the same fee as provided by W.S. 18-3-402(a)(xvi)(P). An irregularity in the lien statement may provide a valid defense for a party defending against the lien. The county clerk shall nevertheless file a lien

statement at the date and time received by the county clerk, regardless of any irregularity, illegible language or other reason.

G. The recording fee under this section may be assessed as costs in any action to foreclose or enforce the lien.

H. Any lien perfected in compliance with this section attaches to the real property and improvements in preference to any prior or subsequent lien, security interest or mortgage under any other provision of law which has been perfected upon real or personal property, including a leasehold interest, against which the lien is claimed, except liens for delinquent real property taxes or prior liens for delinquent taxes from the federal or state government.

**Section 2:** This ordinance shall become effective immediately upon passage on third and final reading.

PASSED AND APPROVED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

PASSED AND APPROVED on Second Reading this this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

PASSED AND APPROVED on Third and Final Reading this this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

TOWN OF HARRIS, WYOMING

\_\_\_\_\_  
+++++, Mayor

ATTEST:

\_\_\_\_\_  
+++++, Town Clerk

SAMPLE