ORDINANCE 2012-08

AN ORDINANCE AMENDING THE HEREIN BELOW IDENTIFIED SECTIONS OF TITLE 8 CHAPTER 1 ARTICLE II, OF THE CODY CITY CODE TO MODIFY METER AND SERVICE DEPOSITS.

Article II, Section 8-1-9 shall be hereby amended as follows:

Sec. 8-1-9 Meter and Service Deposits

A. All customers establishing utility service at any location shall pay a deposit before service may be supplied. All residential customers shall pay a deposit of two hundred dollars ($200.00) per account. Residential customers who are unable to pay the full deposit amount in advance may pay $150 down and $50 with the first billing on the account. Commercial customers shall pay in advance a deposit of five hundred dollars ($500.00) per account. Customers having prior utility accounts with the City of Cody that were turned over to a collection agency shall pay in advance a deposit of four hundred dollars ($400.00) per account for each residential account and one thousand dollars ($1,000) per account for each commercial account. Collection account history shall be maintained in the City's computerized billing records for 3 years from the date the collection account was paid in full.

B. In lieu of a service deposit, utility customers may provide either a co-signer who has an active City of Cody utility account which shows good credit history or a letter of credit from a prior electric, gas or water company for service in the name of the customer which shows good credit history. For the purpose of this section good credit history is defined as: the most recent twelve (12) consecutive months of utility payments during which there have been no late payments, no insufficient funds checks, no non-pay disconnect letters or disconnections and that all final bills (if applicable) were paid on time. A letter of credit from a utility company will not be accepted in lieu of a service deposit if the letter of credit shows the customer has had any late payments, insufficient funds payments, disconnections for nonpayment, or if the customer has any prior utility accounts with the City of Cody that were turned over for collection. A co-signer will not be accepted in lieu of a service deposit for customers having any prior utility accounts with the City of Cody that were turned over to a collection agency.

C. Service deposits shall be applied to the customer's utility account(s) after twelve (12) consecutive months if all city utility bills are paid on time. If not already applied, service deposits shall be used at the termination of service to cover any amounts owed to the City by the customer. A customer receiving service at a new location must pay any and all outstanding utility debts he/she may have accrued in the city before a new service may be started. As per Wyoming Statutes section 15-7-409, interest will not be paid to customers who post a service deposit.

D. In the case of rental property, the deposit shall be made either by the owner of the property, by his/her agent on his/her behalf or by the party renting the property as they may agree. In the event that service is to be discontinued as a result of the failure of the utility customer to pay the utility bills, notice of the impending disconnect shall be given to the owner if the owner has requested in writing that he/she be notified in the event his/her renter fails to pay utility bills. Service will be rendered for periods in which the property is vacant for any reason and the owner of the property will be assessed all utility charges incurred at the particular property. The property owner shall be responsible for paying all utility charges incurred during the time a property is vacant or in-between tenants. If these charges become delinquent the utility account will remain in the property owner's name and service will not be provided to a tenant until any and all delinquent charges for that property are paid in full.

E. Customers with City of Cody 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> § 366 to continue receiving utility service.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING;

PASSED ON FIRST READING ____April 3, 2012_____

PASSED ON SECOND READING ____April 17, 2012_____

PASSED, APPROVED AND ADOPTED
ON THIRD AND FINAL READING. _____May 1, 2012_____

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Nancy Tia Brown, Mayor

ATTEST:

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Cynthia Baker
Administrative Services Officer