

 The logo for the City of Laramie, featuring a stylized mountain range with a sun rising over it, and the word "LARAMIE" in a bold, serif font below the illustration. The year "1898" is also visible.	<p>Agenda Item: Original Ordinance, Second Reading</p> <p>Title: ORIGINAL ORDINANCE NO. 2015, ADDING SECTION 13.04.360 TO LARAMIE MUNICIPAL CODE TO PREVENT THE DEVELOPMENT AND USE OF NON-MUNICIPAL WATER WITHIN LARAMIE'S CORPORATE LIMITS</p> <p>Second Reading. (Introduced by Pearce)</p>
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Possible Motions:

Move to approve Original Ordinance No. 2015, adding Section 13.04.360 to Laramie Municipal Code to Prevent the Development and use of Non-Municipal Water within Laramie's Corporate Limits on Second Reading.

Administrative and/or Policy Goal:

This proposed ordinance is intended to prevent the development and use of nonmunicipal water within Laramie's corporate limits without a franchise or permit granted by the City Council. In other words, this proposed ordinance requires Laramie residents or occupants to use municipal water from the City's water utility unless the City Council grants them permission to develop and use nonmunicipal water. The Council would decide whether granting the requested franchise or permit is in the best interest of Laramie. There are many important reasons for this proposed ordinance, including:

1. It protects Laramie's investment in and the fiscal integrity of its water utility
2. It protects Laramie's drainage and sewage systems from external, uncontrolled water runoff and discharge
3. It eliminates possible point source contamination of Laramie's water supply
4. It protects Laramie's water supply for current and future growth, including the availability of drinking water, sanitation, and fire protection
5. It prevents the utilization of Laramie's streets, alleys, drains, and rights-of-way without permission
6. It is necessary to carry out the provisions of Wyo. Stat. §§ 15-7-701 *et seq.*
7. It is necessary for the overall health, safety, and welfare of Laramie

The proposed ordinance allows the continued use of existing wells that were constantly producing water and legally permitted by the Wyoming State Engineer's Office (SEO) on or before June 1, 2020, without a permit from the City Council. This privilege is conditioned on the requirements that the landowner notify the City of the well on or before May 31, 2021, allow the City to record its location, and submit an annual water production report. For a well permitted by the SEO for more than twenty-five gallons per minute (25 GPM), the landowner is required to install an automatic-read flow meter and record the volume of water produced by the well.

Besides the fines provided in the general penalty section of the Laramie Municipal Code, this proposed ordinance would allow the City Attorney to commence an action for legal and equitable relief to enforce the new provisions. The City would also have the right to revoke a landowner's privilege to use a nonmunicipal well if the landowner changes its legal use or increases its capacity without a permit granted by the City Council, or if the landowner violates the notification and reporting requirements of the ordinance.

Background:

The City Manager and City Staff have been increasingly concerned with current and potentially future water projects that could compromise the functionality and integrity of Laramie's municipal water supply and distribution system.

ORDINANCE FOR CONSIDERATION / NEW INFORMATION &/or DISCUSSION:*Proposed Ordinance***13.04.360 - Nonmunicipal Water – Franchise or permit required.**

It is unlawful to do the following unless a franchise or permit is granted by the city council upon a determination that such franchise or permit is in the best interest of the city:

- A. To develop, drill, construct, operate, maintain, or use any water line, system, well, or works within the corporate limits of the city in order to sell, distribute, provide, or use nonmunicipal water (potable and/or non-potable) within the city;
- B. To interconnect any building, facility, landscape, lot, premises, or structure of any kind within the corporate limits of the city to any water line, system, well, or works other than to the city's water utility; or
- C. To use any portion of the city's streets, alleys, easements, or rights-of-way, or other property owned or managed by the city, for such purposes.

A water well within the corporate limits of the city that was constantly (year to year) and legally producing water on or before June 1, 2020 may continue to operate for the same purpose and capacity, except when such use is prohibited or restricted by order of the city manager, if the landowner notifies the city of the well on or before May 31, 2021, allows the city to obtain a GPS reading of its location, and submits a water production report to the city manager each year. The report shall be submitted to the city manager by February 15th of each year for the prior January 1 to December 31 period. For wells permitted by the State Engineer's Office (SEO) for twenty-five gallons per minute (25 GPM) or less, the annual report shall simply state whether the well was active at any time during the previous calendar year. For wells permitted by the SEO for more than 25 GPM, the annual report shall state the following: the well name, SEO permit number, and volume of water produced by the well for each calendar month period and the dates of the meter readings. The landowner of a well permitted for more than 25 GPM shall, at the landowner's expense, install an automatic-read flow meter approved by the city manager, maintain the meter in good working condition, and grant access to city staff to read the meter.

All potable and non-potable water shall be supplied by the city's water utility following annexation unless a franchise or permit is granted by the city council as provided in this Section.

Any person violating the provisions of this Section shall, upon conviction, be punished as provided in Chapter 1.28. The city attorney may also commence an action in the name and on behalf of the city for legal and equitable relief. In addition, any violation involving changes to the use or an increase in the capacity of a well that was in continuous and legal use on or before June 1, 2020 (as described above), without a permit granted by the city council, or any violation of the notification and reporting requirements in this Section, shall be cause for immediate loss of the privilege to use such well.

If Council approves the Ordinance as written for the first reading, Council can expect second and third readings at the July 21, 2020 and August 4, 2020 regular meetings respectively.

Responsible Staff:

Janine Jordan, City Manager
Bob Southard, City Attorney

Attachment(s):

- 1) Original Ordinance 2015