

ORDINANCE NO. 100

AN ORDINANCE AUTHORIZING THE TOWN OF MILLS, WYOMING, TO ISSUE SEWERAGE SYSTEM REVENUE BONDS IN THE PRINCIPAL AMOUNT OF \$145,000; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE INTEREST THEREON; PROVIDING THAT SEWER RATES AND CHARGES SHALL BE ESTABLISHED WHICH SHALL BE SUFFICIENT TO PAY MAINTENANCE AND OPERATION EXPENSES OF THE SEWERAGE SYSTEM OF SAID TOWN, THE PRINCIPAL OF AND INTEREST ON SAID BONDS, AND BOND AND DEPRECIATION RESERVES; PROVIDING OTHER DETAILS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, on the 19th day of August, 1952, the qualified electors of the Town of Mills, Wyoming, authorized the issuance of bonds of said Town in the principal amount of \$145,000, for the purpose of constructing a sewerage system for said Town, consisting of mains, laterals, a sewage disposal plant and necessary appurtenances, such bonds to be payable, principal and interest, solely from the revenues to be derived from the operation of the sewerage system of said Town, as authorized by Article 27, Chapter 29, Wyoming Compiled Statutes, 1945, as amended; and

WHEREAS, plans and specifications for such system are on file in the office of the Town Clerk, and are open for the inspection of the public; and

WHEREAS, the estimated cost of said system is \$145,000, and the period of usefulness of said system is not less than 40 years; and

WHEREAS, the Town Council has determined to issue said bonds payable in annual installments as near equal as practicable, as provided by said law, and as hereinafter set forth;

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS, NATRONA COUNTY, WYOMING:

Section 1. For the purpose of providing funds for the construction of such sewerage system and appurtenances thereof, for

paying costs and expenses incident thereto and interest during construction, the Town shall issue its negotiable bonds, each of which shall be denominated "Sewerage System Revenue Bonds," in the aggregate principal sum of \$145,000, which bonds and the interest thereon shall be payable solely out of the revenue to be derived by the Town from the operation of its sewerage system and not otherwise.

Section 2. That said bonds shall consist of 145 bonds in the denomination of \$1,000 each, numbered 1 to 145, inclusive, shall bear date April 1, 1953, and shall mature, \$4,000 on April 1st in each of the years 1955 to 1959, inclusive, and \$5,000 on April 1st in each of the years 1960 to 1964, inclusive.

Bonds maturing in the years 1964 and thereafter shall be redeemable at the option of the Town on April 1, 1963, and on interest payment dates thereafter, in inverse numerical order. If any redemptions be made prior to maturity, they shall be made at par and a premium of 3% of principal. Notice of redemption prior to maturity shall be published 30 days before the redemption date in The Bond Buyer, of New York City, and mailed to the original purchasers of the bonds.

Said bonds shall bear interest at the rate or rates to be determined after the publication of the notice of the sale of said bonds. Interest shall be payable semi-annually on the 1st day of April, and the 1st day of October, of each year, as evidenced by coupons attached to said bonds, both principal and interest being payable at the office of the Town Treasurer in Mills, Wyoming, without deduction for exchange or collection charges. Said bonds shall be signed by the Mayor and Clerk of the Town and shall bear the corporate seal of the Town. The

interest coupons to be attached to said bonds shall be signed with the facsimile signatures of said Mayor and Clerk. Said bonds, the interest thereon and the premium, if any, shall be payable only out of the revenue derived from the operation of the sewerage system owned and operated by the Town.

Section 3. The form of said bonds and the coupons and the Clerk's certificate to be printed on said bonds shall be substantially as follows:

UNITED STATES OF AMERICA

STATE OF WYOMING

COUNTY OF NATRONA

TOWN OF MILLS
SEWERAGE SYSTEM REVENUE BOND

No.

\$1,000

The Town of Mills, in the County of Natrona and State of Wyoming, for value received, hereby promises to pay to the bearer hereof, solely out of the Fund hereinafter designated, the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the 1st day of _____, 19____, with interest thereon from date until paid at the rate of _____ per centum (____%) per annum, payable semi-annually on the 1st day of April and the 1st day of October, of each year, both principal and interest being payable at the office of the Town Treasurer, in Mills, Wyoming, upon presentation and surrender of the annexed coupons and this bond as they severally become due, without deduction for exchange or collection charges.

(The following clause to be inserted in bonds maturing in the years 1964 and thereafter)

Bonds of this issue maturing in the years 1964 and thereafter shall be redeemable at the option of the Town, in inverse numerical order, on April 1, 1963, and on interest payment dates thereafter. Redemptions made before maturity shall be made at par and a premium of 3% of principal.

This bond is issued for the purpose of providing funds to construct a sewerage system for said Town and its inhabitants, in full conformity with the Constitution and laws of the State of Wyoming, particularly Article 27, Chapter 29, Wyoming Compiled

Statutes, 1945, as amended, and an ordinance of the Town duly adopted and approved prior to the issuance hereof, and is payable, principal and interest, solely out of a special fund designated "Sewer Revenue Bond Fund," which shall contain all of the receipts to be derived by the Town from the operation of its sewerage system after paying only the reasonable costs of maintaining and operating said system. This bond does not constitute an indebtedness of said Town within any constitutional or statutory limitation.

It is hereby certified, recited and warranted that for the payment of this bond and the interest thereon, the Town of Mills has created and will maintain said fund and out of such Fund and as an irrevocable charge thereon will pay this bond and the interest accruing thereon in the manner and at the times provided by the ordinance under which this bond is issued. It is further certified, recited and warranted that all requirements of law and all conditions precedent have been fully complied with by the proper officers of said Town in the issuance of this bond.

For the maintenance and enforcement of rates and charges sufficient to pay the issue of bonds of which this is one, and to pay the interest on said bonds, the Town pledges the exercise of all of its lawful corporate powers in accordance with the laws hereinabove mentioned.

IN WITNESS WHEREOF, the Town of Mills has caused this bond to be signed by its Mayor and Clerk, and the seal of the Town to be hereunto affixed, and has caused the coupons hereto attached to be signed with the facsimile signatures of said officers, as of the 1st day of April, 1953.

(S E A L)

Mayor

(Form of Coupon)

No. _____

\$ _____

On the 1st day of _____, 19____, #(unless the bond to which this coupon is attached has been called for prior redemption) the Town of Mills, in the County of Natrona and State of Wyoming, will pay to bearer

_____ Dollars

in lawful money of the United States of America, at the office of the Town Treasurer, in Mills, Wyoming, without deduction for exchange or collection charges, such payment to be made out of the Sewer Revenue Bond Fund of said Town, but not otherwise, being six months' interest on its Sewerage System Revenue Bond dated April 1, 1953, bearing

No. _____

(Facsimile Signature)

Mayor

(Facsimile Signature)

Clerk.

\$(This clause to appear in coupons maturing _____ 1, 1964, and thereafter.)

CLERK'S CERTIFICATE

I, the undersigned Town Clerk of the Town of Mills, Natrona County, Wyoming, do hereby certify that the within bond is issued pursuant and according to law, and that the same is within the lawful debt limit of said Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town of Mills, this _____ day of _____, 1953.

Town Clerk

(S E A L)

Section 4. Said bonds shall be delivered to the purchasers thereof, and the proceeds shall be used only for the purposes set forth in this ordinance. The proceeds of said bonds shall be placed in a separate trust account and they shall be withdrawn only on estimates of a qualified engineer, which estimates must be approved by the Town Council of said Town. Neither the purchasers nor any subsequent holder of any of said bonds shall be responsible for the application or disposal by said Town or its officers of any of the proceeds of said bonds.

Section 5. There is hereby established and created a separate fund to be known and maintained as the "Sewer Fund." Into such Fund the Town shall place all of the revenue and income of its sewerage system to be constructed, and as it may be extended and improved, out of which Fund there shall first be paid the necessary costs and expenses of the efficient and economical operation and maintenance of said sewerage system.

Section 6. After paying the costs and expenses of maintaining and operating said system, all remaining revenue and income of the system shall be placed in a separate fund to be known as the "Sewer Revenue Bond Fund," hereinafter called the "Bond Fund." The owners and holders of said bonds shall have a first and prior lien on all of the moneys in said Bond Fund. In addition to the income and revenue of said system, there shall also be placed in the Bond Fund all proceeds of the bonds herein authorized which shall not be required for the construction and completion of said system. Moneys in the Bond Fund shall be used and applied as follows:

(a) In the payment of current installments of principal and interest on outstanding bonds of the issue herein authorized.

(b) For the accumulation of a Reserve Fund which shall be maintained in an amount sufficient to pay in advance the interest on and principal of said bonds in the next ensuing year. Such fund shall be used and applied, if necessary, in the payment of principal or interest on said bonds, and if so used and applied, shall be restored in the manner hereinafter provided, so that such amount shall always be maintained in said sum, in excess of current installments of principal and interest on said bonds.

(c) When current requirements for principal and interest on said bonds have been met and said Reserve Fund is on hand, any remaining income and revenue from said system may be used and applied for necessary capital expenditures for said sewer system, including renewals and replacements required to maintain the system in proper working condition at all times to meet the needs of the community, or for the call and redemption of outstanding bonds, or for the purchase of outstanding bonds at a price not exceeding the call price, and in such event the bonds so called or purchased shall be cancelled forthwith.

Section 7. The Town of Mills covenants and agrees with the owners and holders of the bonds authorized herein that as soon as the construction work on said system has been substantially completed, it will by ordinance, establish, and thereafter maintain, sewer rates or charges which shall at all times be sufficient to produce annually:

(a) Costs and expenses of maintaining and operating said sewer system.

(b) At least 120% of current requirements for principal of and interest on outstanding bonds of the issue herein authorized. The funds in excess of the amount required to pay current

principal and interest shall be accumulated to create said Reserve Fund and amounts in excess of the Reserve Fund are hereby designated as a depreciation reserve which may be used as set forth in Section 6 (c) above. In the event that it shall be necessary to use any part of said Reserve Fund for the payment of interest on or principal of said bonds, the Town shall restore such amount within the next succeeding year.

Section 8. The Town covenants and agrees with the owners and holders of the bonds authorized herein, that when the construction work on said system is substantially completed it will have in effect an ordinance providing for the establishment and collection of sewer service rates or charges, which ordinance shall provide, among other things, substantially the following:

(a) For rates or charges in amounts which shall be sufficient promptly to make the payments and create the reserves hereinbefore specified.

(b) That the Town Council shall have the right conclusively to determine, define and classify all residence, business and other properties and to increase, modify or revise the rates and charges so established.

(c) That every occupied property in the Town which is capable of being served by said sewer system, shall be connected with said system; that a written or printed notice to connect with said system shall be given to all owners or occupants of properties which are not connected with the system but which are capable of being connected therewith, and unless the time for connection be extended by the Town Council, all connections shall be made within thirty days after the mailing of said notice.

(d) That all outhouses, septic tanks, cesspools and other means of sewage disposal shall be abolished; that they shall be declared to be nuisances endangering the peace, health and lives of the inhabitants of said Town and shall be abated forthwith, and that it shall be the immediate duty of the Town to take such steps and proceedings as may be necessary to abate such nuisance.

(e) That it shall be the duty of the proper agents of the Town to mail or deliver bills for service charges to the owner or occupant of each property connected with said system; that such bills shall be rendered with and as a part of the monthly water service bills of the Town; that if such bills be not paid within thirty days after the same become delinquent, the amount thereof, together with a penalty of 10% and a reasonable attorney's fee, may be recovered by the Town; that as a part of the consideration for the issuance of said Sewerage System Revenue Bonds, and notwithstanding any remedies which the owners or holders of said bonds may have, the Town assumes and agrees promptly to take whatever actions as may be necessary to enforce said charges, to secure judgments and place them of record against delinquent properties if such judgments be not paid.

(f) That as additional means of enforcing such charges, the Town shall, thirty days after the charges become due, shut off water from all delinquent properties.

(g) That the Town Council shall have the power and authority to make rules and regulations consistent with the provisions of said ordinance and to take and direct all steps and proceedings fully to carry out the intent and purpose thereof.

Section 9. Sewer facilities shall be furnished to the inhabitants of said Town and all others who may lawfully be served by said system. The Town shall not sell, alienate or encumber said system or any necessary part thereof, unless and until arrangements are made satisfactory to the owner or owners of said bonds then outstanding, for the payment of the principal of and the interest on said bonds.

Section 10. That said Town shall carry fire insurance on all insurable property of the system, workmen's compensation, public liability and such other forms of insurance on said system, in such amounts as shall properly protect the system and its operation, the cost thereof to be considered as an operating expense. In the event of any loss or damage to said system, any insurance money collected shall be used for restoring, replacing or repairing the property lost or damaged, and the remainder thereof, if any, shall be placed in said Bond Fund.

Section 11. That so long as any of said bonds remain outstanding, said Town shall, on request, furnish a report to the original purchasers of said bonds showing the receipts and disbursements of said sewer system during a designated preceding period, and at least once each year it will cause a complete audit to be made of the books relating to its sewer operations. A copy of such report shall be filed with said purchaser and such audits shall be open for inspection at all proper times by the holder of any of said bonds, or his representative. The cost of said reports and audit shall be considered as an expense of operation.

Section 12. That so long as any of said bonds remain outstanding and funds are not available for the payment thereof, the Town shall not issue additional sewer revenue bonds or obligations which will constitute a lien, prior or equal, to the lien of the bonds of this issue, provided, however, that equal lien bonds or obligations may be issued, if necessary, to complete the construction of said system in accordance with present plans and specifications. Nothing contained herein shall prevent the issuance of bonds or obligations having a lien on the revenues of said system junior or subordinate to the lien of the bonds of said Town herein authorized, if the Town is current in the payment of interest on and principal of the bonds herein authorized and if it has on hand said Reserve Fund.

Section 13. All costs and expenses incurred in connection with or incident to the construction of said system and the issuance and payment of Sewerage System Revenue Bonds, as provided by this Ordinance, shall be paid exclusively from the revenue of said system or from the proceeds of said bonds, and in no event shall any of such costs or expenses be paid out of or charged to the general funds or tax levies of said Town.

Section 14. If any court of competent jurisdiction should ever determine that any part of this ordinance is invalid or unenforceable, such determination shall not affect the remaining parts hereof, the intention being to make the provisions hereof severable.

Section 15. The officers of said Town are hereby authorized and directed to execute and deliver to the original purchaser of said bonds, any requested records, data, certificates

or documents fully to evidence the validity and security of said bonds.

Section 16. All ordinances, or parts thereof, in conflict with this ordinance are hereby repealed. After said bonds have been issued this ordinance shall be irrevocable until said bonds and the interest thereon shall be fully paid, satisfied and discharged in the manner herein provided.

Section 17. Because of the fact that the Town is not adequately supplied with sewage disposal facilities, the Town Council finds and declares that an emergency exists, that this ordinance is for the immediate preservation of the public peace, health and safety, and shall be in full force and effect from and after its passage and approval.

Section 18. This ordinance, after its passage, shall be recorded in the Book of Ordinances kept for that purpose in said Town, authenticated by the signatures of the Mayor and Clerk, and a copy thereof shall be posted in each of three public and conspicuous places in said Town.

ADOPTED AND APPROVED This 5 day of February, 1953.

(SEAL)

William W. Capp
Mayor

ATTEST:

Marianne Spencer
City Clerk

It was then moved by Councilman Stoneking and seconded by Councilman Maurer that all rules of the Council, which, unless suspended, might prevent the final passage and adoption of said ordinance at this meeting, be and the same are hereby suspended.

The question being upon the adoption of said motion, and the suspension of the rules, the roll was called with the following result:

Those voting AYE:

Councilmen: Marvin H. Maurer
Elmer Stoneking

Those voting Nay: None

Two members of the Council having voted in favor of said motion, the Mayor declared said motion carried and the rules suspended.

Councilman Stoneking thereupon moved that said ordinance be finally passed and adopted as introduced and read.

Councilman Maurer seconded the motion.

The question being upon the final passage and adoption of said ordinance, the roll was called with the following result:

Those voting AYE:

Councilmen: Marvin H. Maurer
Elmer Stoneking

Those voting Nay: None

The Mayor, as presiding officer, thereupon declared that a majority of all the members of the Town Council, duly elected, qualified and acting as such, having voted in favor of said ordinance, the said motion was carried and the said ordinance was finally adopted and passed.

On motion duly adopted, it was then ordered that said ordinance be numbered 100; that copies of said ordinance be posted and that said Ordinance be recorded and authenticated as required by law.

William W. Lopp
Mayor

(S E A L)

ATTEST:

Marianne Spencer
Town Clerk

STATE OF WYOMING)
)
COUNTY OF NATRONA) ss.
)
TOWN OF MILLS)

I, Marianne Spencer, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the above and foregoing pages, numbered 21 to 36, inclusive, are a true, correct and complete copy of the record of the proceedings of the Town Council of the Town of Mills, Wyoming, with respect to the passage and adoption of an ordinance, a copy of which is hereinbefore set forth; that said ordinance has been signed by the Mayor, sealed with the corporate seal of said Town, attested by me as Town Clerk, and duly recorded in the Book of Ordinances of said Town, and that on the 18 day of February, 1953, a copy of said Ordinance was posted in each of the following places in said Town:

1. Mills Superette Grocery and Market;
2. Ray's Liquor Store;
3. Office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, this 18 day of February, 1953.

Marianne Spencer
Town Clerk

(SEAL)