**ORDINANCE NO. 1076**

**AN ORDINANCE OF THE TOWN OF SUPERIOR, SWEETWATER COUNTY, WYOMING ADOPTING AN LIEN PROCEDURE FOR DELINQUENT UTILITY ACCOUNTS**

**WHEREAS,** the Town of Superior provides water and sewer, and;

**WHEREAS,** in order to assist in recovering the costs of abatement, the Town Council wishes to adopt a lien policy concerning delinquent utility accounts.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SUPERIOR, SWEETWATER COUNTY, WYOMING THAT THE TOWN CODE SHOULD BE MODIFIED IN THE FOLLOWING WAY:

10-2B-14: ASSESSMENT OF LIENS FOR ABATEMENT

A. At the discretion of the Town Council and/or its designee, all unpaid delinquent utility service charges may constitute a lien against the service unit and property to which utility services 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 to which the lien applies; and

(vi) An itemized list setting forth the charges claimed to be assessed.

B. 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.

C. 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) or its successor.

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

E. Any lien perfected in compliance with this section attaches to the real property and improvements made in preference to any 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. Any lien, security interest or mortgage which has been perfected upon real property or upon a leasehold interest prior to the commencement of any abatement work or repair of the property shall have priority.

First Reading -

Second Reading –

Public Hearing –

Third Reading –

Published .

PASSED AND APPROVED BY THE COUNCIL THIS \_\_\_\_\_ day \_\_\_\_\_\_\_\_\_ of 2019.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dominic Wolf, Mayor**

**ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Anita Vaughn**