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ARTICLE A

LEASE OF SYSTEMS

SECTION 17-101 LEASE OF SYSTEMS.

The town has leased the operation of its water and sewer systems to the Hulbert Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Hulbert Public Works Authority.

SECTION 17-102 PENALTY, ADOPTION BY REFERENCE.

The rates and rules of the Hulbert Public Works Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this code.

ARTICLE B

WATER SHORTAGES

SECTION 17-121 AUTHORIZING DECLARATION OF AN EMERGENCY.

Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit use of water from the town's water system.

SECTION 17-122 DEFINING EMERGENCY.

An emergency exists whenever the mayor reasonably determines that the town's water system is unable or will within sixty (60) days become unable, to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 17-123 PROCLAMATION AND ORDER.

Upon the determination that such an emergency exists the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting the use of water from the town system. Such order may:

1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and
2. Prohibit usages not essential to public health and safety.

The order may be revised from time to time as the mayor deems necessary.

SECTION 17-124 PUBLICATION REQUIREMENTS.

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the town or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the town. The emergency shall be in full force upon publication. Substantial compliance with this section is sufficient to effect the emergency.

B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure so as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. Provided that, if any such means if other than that required in Subsection A of this section, the proclamation shall be republished in accordance with Subsection A, within twenty-four (24) hours of the first notice.

SECTION 17-125 SPECIFYING DURATION.

A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor or the board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the board of trustees by resolution approved by a majority of all its members extends the proclamation.

SECTION 17-126 PROVIDING FOR APPEALS.

Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the board of trustees or to any emergency session called to discuss the water emergency. The board of trustees may exempt such aggrieved person, wholly or in part from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the board of trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the board of trustees all water user shall be bound by the proclamation.

SECTION 17-127 ESTABLISHING PENALTIES.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody, or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Each separate day of violation of such

proclamation shall constitute a separate offense. Violation of this chapter shall be punishable as provided in Section 1-108 of this code.

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CHAPTER 2

REFUSE COLLECTION AND DISPOSAL

Section 17-201	Definitions.
Section 17-202	Accumulations of garbage and refuse.
Section 17-203	Collection of garbage and rubbish.
Section 17-204	Trash containers.
Section 17-205	Schedule.
Section 17-206	Landfill.
Section 17-207	Contracts authorized.
Section 17-208	Contractor requirements.
Section 17-209	Compliance by contractor.
Section 17-210	Fees.
Section 17-211	Disposal by contractor.
Section 17-212	Contractor's equipment.
Section 17-213	Insurance.
Section 17-214	Inspections.
Section 17-215	Duty to request garbage service.
Section 17-216	Penalty.

SECTION 17-201 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. "Person" means any institution, public or private corporation, individual, partnership, or other entity;
2. "Premises" means land, buildings or other structures, vehicles, watercraft, or parts thereof, upon or in which refuse is stored;
3. "Refuse" means all solid wastes, including garbage and rubbish;
4. "Garbage" means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowls from any premises within the town limits;
5. "Rubbish" means tin cans, bottles, papers, tree limbs (which shall be cut into lengths not exceeding three and one-half (3½) feet), leaves, etc., from any premises within the town limits;
6. "Rubble" means brushwood, cardboard boxes and other bulky earthen, wooden, or metal refuse-like materials, longer, larger or heavier than refuse; and
7. "Town health officer" means that person so designated to act by the town board of trustees, at a compensation also set by the town board of trustees, if any.

SECTION 17-202 ACCUMULATIONS OF GARBAGE AND REFUSE.

A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any

premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and fly-proof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

B. All containers shall be kept in a convenient location for collection, as designated by the town board of trustees, whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.

C. All ordinary accumulations of rubbish such as tree limbs, paper boxes, and scrap lumber which cannot be conveniently placed in the containers required by this chapter shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than fifty (50) pounds, and placed in a location easily accessible to the collector.

D. There shall be no open burning on the premises, unless the operations are carried out in an approved-type incinerator, or approval is obtained from the town health officer.

SECTION 17-203 COLLECTION OF GARBAGE AND RUBBISH.

The town or its authorized representative shall collect from all areas of the town upon schedule as approved by the town board. It is the duty of any person in possession or control of any premises to place the containers required by this ordinance in a location easily accessible to the collector as directed by the town health officer.

SECTION 17-204 TRASH CONTAINERS.

Each individual resident or business in the town shall maintain proper receptacles and containers for their garbage and trash in accordance with this chapter. Wet garbage shall be kept in plastic bags, in a location accessible to the streets or alleys designated for pickup, and dry trash and papers may be kept in covered containers at or near the same location. Covered containers at residences may not exceed thirty-two (32) gallons.

SECTION 17-205 SCHEDULE.

All wet garbage and dry trash shall be picked up and disposed of in accordance with the provisions of this chapter at least one time per week.

SECTION 17-206 LANDFILL.

The trash and garbage of the residences as well as the businesses of the town shall be disposed of by the collection of same and burial of same in a sanitary landfill in accordance with the rules of the State Department of Health and with the rules and regulations of the town.

SECTION 17-207 CONTRACTS AUTHORIZED.

The mayor and the board of trustees are specifically authorized to contract for or with any suitable person for the removal and disposal of garbage and trash in accordance with this chapter, and the rules of the State Department of Health, such contract to continue in force for a period of one year, providing that such contractor shall furnish a good and sufficient bond conditioned upon the faithful performance of such contract and all requirements of this chapter and that the contractor shall furnish liability insurance to assure protection of the town and its citizens, all to be determined by the board of trustees.

SECTION 17-208 CONTRACTOR REQUIREMENTS.

Any person who receives such contract from the town as hereinbefore specified shall provide all the necessary equipment to properly remove such garbage and trash and dispose of same by sanitary landfill, and no wagon or conveyance of any character shall be used by any such person, as a contractor unless the same be of iron or steel, watertight, so that none of such garbage or trash or any liquid coming therefrom can be spilled upon the streets, alleys, or avenues of this town during the operation of transportation, removal, and burial.

SECTION 17-209 COMPLIANCE BY CONTRACTOR.

No person shall remove and dispose of garbage from the town other than the properly designated contractor selected by the town in accordance with the provisions of this chapter, it being the intent of this chapter to protect the safety of the citizens of the town and their health by providing for the removal and disposition of garbage in such a manner that same falls within the police power of the town to enable them to obtain and retain a continuing check on the operations of the contractor.

SECTION 17-210 FEES.

The board of trustees of the town shall have the right, in addition to entering into a contract with the contractor for the collection and disposition of garbage and trash as hereinbefore set out, to establish fees for the same and to collect same by billing the residents and to collect these charges, as other charges are collected, against water meters in operation on the several premises. Providing that the town shall make a charge of twenty-five cents (\$.25) per account, for such collection to cover the cost of paper work, billing and other incidentals in connection therewith.

SECTION 17-211 DISPOSAL BY CONTRACTOR.

The contractor with whom the town contracts for the collection and disposal of trash and garbage shall provide for his own landfill, and that all trash and garbage collected from and after the effective date of these regulations shall be disposed of by proper landfill approved by the State Department of Health and by the governing board of the town and the designated official inspector of the town.

SECTION 17-212 CONTRACTOR'S EQUIPMENT.

The contractor who shall contract for the collection and disposition of trash and garbage within the town limits of the town, shall furnish his own equipment for the collection and compaction of the garbage and trash and provide his own help, and provide his own landfill and burial equipment and garbage collection in such manner as to meet the approval of the State Department of Health and the designated official inspector of the town.

SECTION 17-213 INSURANCE.

The contractor with whom the town contracts for the collection and disposition of garbage and trash shall be obligated to furnish liability insurance with the town to cover his operations in connection with the operation of his vehicles of not less than One Hundred Thousand Dollars (\$100,000) per person, or Three Hundred Thousand Dollars (\$300,000) per accident, and to provide necessary bond or assurance that the contractor shall perform the contract entered into between the town and the contractor.

SECTION 17-214 INSPECTIONS.

The town may make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with.

SECTION 17-215 DUTY TO REQUEST GARBAGE SERVICE.

To assist in maintaining the general sanitation of the town it is the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the town at the beginning of such occupancy and request, accept and use the garbage pickup and collection service; provided, however, that failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the town from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures.

SECTION 17-216 PENALTY.

Any person violating any of the provisions of this chapter shall be punished as provided in Section 1-108 of this code.

CHAPTER 3

SEWER SERVICES

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Section 17-307	Owners to comply.
Section 17-308	Separate sewers required.
Section 17-309	Private sewage disposal.

SECTION 17-301 DEPOSITS PROHIBITED.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage or other objectionable waste. (Added 1992)

SECTION 17-302 DISCHARGE OF SEWAGE, TREATMENT.

It shall be unlawful to discharge into any natural outlet within the jurisdiction of the town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter. (Added 1992)

SECTION 17-303 PRIVIES, SEPTIC TANKS PROHIBITED.

It shall be unlawful to construct or maintain within the jurisdiction of the town any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Added 1992)

SECTION 17-304 CONNECTION TO SEWERS REQUIRED.

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes situated within the jurisdiction of the town, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such directly with the proper public sanitary sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice to connect. (Added 1992)

SECTION 17-305 LIFTS REQUIRED.

In any building in which the building drain is too low to permit gravity flow to the public sanitary sewer, sanitary sewage from such buildings shall be lifted by an approved means and discharged into the building sewer or public sanitary sewer. (Added 1992)

SECTION 17-306 PLUMBING CODE GOVERNS CONNECTIONS, APPROVAL OF DEVIATIONS.

The connection of the building sewer into a public sanitary sewer shall conform to the requirements of the town plumbing codes or other applicable rules and regulations of the town. All such connections shall be made gastight and watertight. Any deviation

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from the prescribed procedures and material must be approved in writing by the approving authority. (Added 1992)

SECTION 17-307 OWNERS TO COMPLY.

The owner or occupant of any building which is connected to the public sanitary sewer shall be required to operate and properly maintain the building drains and building sanitary sewer in accordance with all provisions of these regulations at no expense to the town. (Added 1992)

SECTION 17-308 SEPARATE SEWERS REQUIRED.

A separate and independent building sewer shall be provided for every individually owned residential or commercial building, and each such building shall have its own connection to the public sewer. Multiple ownership of building sewers is prohibited. (Added 1992)

SECTION 17-309 PRIVATE SEWAGE DISPOSAL.

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this chapter. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made by the owner to the public sewer in compliance with these regulations and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, as directed by the approving authority. (Added 1992)