

TITLE 9
PUBLIC UTILITIES

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CHAPTER 1

LEASE OF UTILITIES; GENERAL PROVISIONS

SECTION:

- 9-1-1: Lease Of Utilities To Authority
 9-1-2: Authority Rules Adopted By Reference; Penalty
 9-1-3: Connection To Public Water And Sewer Systems Required
 9-1-4: Private Water Well Prohibited
 9-1-5: Water Shortages

9-1-1: **LEASE OF UTILITIES TO AUTHORITY¹:** The town hereby consents and agrees to the lease of the town water, sanitary sewerage and refuse systems and facilities and all future additions thereto to the Arnett public works authority as authorized by statute, to be effective at the time and upon the terms and conditions specified in a certain "lease" prepared under the direction of the town board of trustees and filed in the office of the town clerk-treasurer on this date. The mayor of the town is hereby authorized and directed, on behalf of the town, to execute and deliver the lease of the Arnett public works authority. (1999 Code § 17-101)

9-1-2: **AUTHORITY RULES ADOPTED BY REFERENCE; PENALTY:** Rules and regulations adopted by the Arnett public works authority are hereby adopted and incorporated herein by reference, applicable as if set out in full herein. Any violation of the rules and regulations of the authority shall be punishable as provided in section 1-4-1 of this code. (1999 Code § 17-102)

9-1-3: **CONNECTION TO PUBLIC WATER AND SEWER SYSTEMS REQUIRED:** It is mandatory for each residence, business or

1. All requirements related to use of the utilities, rates and charges, disconnection of services, etc., are governed by the public works authority pursuant to the trust indenture and leases. See also town public works authority rules and regulations.

office within the town limits to be connected with the public water system and the public sewer system. (1999 Code § 17-103)

9-1-4: **PRIVATE WATER WELL PROHIBITED:** It is unlawful for any person or governmental entity to drill for water within the town limits or to use a private water well for domestic or other purposes. (1999 Code § 17-104)

9-1-5: **WATER SHORTAGES:**

A. Authority Of Mayor In Emergencies: 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 the use of water from the town water system. (1999 Code § 17-121)

B. Emergency Conditions: An emergency exists whenever the mayor reasonably determines that the town water system will, within sixty (60) days, become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection. (1999 Code § 17-122)

C. Proclamation:

1. 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 use of water from the town system. Such order may:

 a. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and

 b. Prohibit usages not essential to public health and safety.

2. The order may be revised from time to time as the mayor deems necessary. (1999 Code § 17-123)

D. Publication:

1. The proclamation required by subsection C of this 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 proclamation shall be in full force and effect upon publication. Substantial compliance with this subsection is sufficient to effect the proclamation.

2. Whenever a sudden or unexpected event so reduces the availability of water or water pressure 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. If any such means is other than that required in subsection D1 of this section, the proclamation shall be republished in accordance with subsection D1 of this section within twenty four (24) hours of the first notice. (1999 Code § 17-124)

- E. Time Period For Proclamation: A duly proclaimed emergency shall continue and the terms of the proclamation shall be in full force for thirty (30) days or until such time as the mayor or the town board of trustees shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the town board of trustees, by resolution approved by a majority of all its members, extends the proclamation. (1999 Code § 17-125)
- F. 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 town board of trustees or to any emergency session called to discuss the water emergency. The town 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 town 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 town board of trustees, all water users shall be bound by the proclamation. (1999 Code § 17-126)
- G. Violation; Penalty:
1. 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.

2. Each separate day of water use in violation of such proclamation shall constitute a separate offense. Violations of this chapter shall be punishable as provided in section 1-4-1 of this code. (1999 Code § 17-127)

CHAPTER 2

GARBAGE AND REFUSE SERVICE

SECTION:

- 9-2-1: Definitions
9-2-2: Storage And Pick Up Of Garbage And Trash
9-2-3: Fees
9-2-4: Billing; Delinquencies
9-2-5: Discontinuance Of Service

9-2-1: **DEFINITIONS:** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

GARBAGE: Any vegetable or animal refuse accumulated from kitchens, pantries, dining rooms, boarding houses, tenement houses and dwelling houses.

GARBAGE CAN: A watertight plastic, galvanized or metallic container with a securely fitting cover and convenient handle or handles for carrying. The can shall not exceed thirty five (35) gallons in capacity.

TRASH: Refuse consisting of wastepaper, broken ware, ashes, cinders, paper, discarded shoes and clothing, tin cans, bottles, wooden or paper cartons, discarded toys, and such refuse as may be termed the natural accumulation in the yards and outside premises of resident families including trash when assembled and grass cuttings, hedge or small shrub trimmings. It does not include industrial waste, manure, debris from construction work, trees or tree trimmings, earth, rocks, broken concrete or any

other discarded items not capable of being put in a garbage can or dumpster.

TRASH RECEPTACLE: A six foot (6') container (commonly known as a dumpster), with securely fitting cover used exclusively for the disposal of garbage and/or trash from spilling, leaking or otherwise littering the streets and alleys of the town; or such other container specifically approved by the town superintendent for the disposal of garbage and/or trash. (Ord. 357, 3-21-2011; amd. 2013 Code)

9-2-2: STORAGE AND PICK UP OF GARBAGE AND TRASH:

- A. Residential Premises: All occupants of residential premises where garbage or trash is produced or accumulated shall provide for use on such premises a sufficient number of containers as described and authorized in this chapter, to adequately hold the garbage and trash accumulated between the times of garbage and trash collection. Garbage must be stored in garbage cans or dumpsters. Trash may be stored in garbage cans, trash boxes or plastic bags. Boxes and plastic bags must be convenient for carrying and sufficiently sturdy to prevent breaking or tearing when being carried. They may not exceed fifty (50) pounds in weight when filled and will be placed immediately adjacent to garbage cans for pick up. Garbage cans will be returned by collectors to the location where pick up was made.
- B. Placement Of Containers For Pick Up: In all areas of the town where there are open unobstructed alleys or easements wide enough and improved enough for collection vehicles to travel with ease, garbage and trash containers will be placed on the alley or easement property line for pick up, except that they may be placed in an alley if they do not interfere with traffic through the alley.
- C. Condition Of Containers: It shall be the duty of the owner of garbage cans to keep them clean at any and all times, and to maintain them in a sanitary condition as well as the grounds around the same. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced, upon notice. The town shall have the authority to refuse collection services for failure to comply with this chapter.

- D. Arrangements Made With Resident Occupants: Additional arrangements may be made by the town superintendent and resident occupants to facilitate the storage and pick up of garbage and trash within the town.
- E. Mobile Home Parks And Multi-Family Dwellings: The town superintendent may, in his discretion, determine the number and size of receptacles to be provided at mobile home and trailer parks, and other multi-family dwellings.
- F. Collection In Business Area: All persons, firms and corporations in the business area of the town, or owning, leasing or occupying premises used for commercial purposes shall provide trash receptacles for the collection of garbage and/or trash; shall maintain the same in good and sanitary condition; shall deposit all garbage and/or trash therein; and by contract or other, provide for the timely collection and removal of such garbage and/or trash. (Ord. 357, 3-21-2011)

9-2-3: **FEES:** The owner or occupant of each premises shall pay monthly the following to the town for the removal of garbage and/or trash:

Single-family dwelling	\$13.75
Small business - can service	12.30
Small business - can service (2 weekly)	21.16
Business weekly dumpster pick up	26.80
Business 2 weekly dumpster pick up, per dumpster	33.70

(Ord. 357, 3-21-2011)

9-2-4: **BILLING; DELINQUENCIES:**

- A. Charges Billed With Water Bill: The fees for the removal of garbage and/or trash shall be billed to each owner or occupant liable therefor with the water bill, where the owner or occupant is a water user. Fees for water service will not be accepted without payment for the fees of removal of trash and/or garbage.
- B. Late Charge For Delinquent Payment: There shall be a late charge for the delinquent payment of bills due to the town for garbage/trash collection service. A charge of three dollars (\$3.00) will be assessed

to the total bill by the town clerk-treasurer on all bills which are not paid on or before the tenth day of each month. (Ord. 357, 3-21-2011)

9-2-5: **DISCONTINUANCE OF SERVICE:**

- A. Discontinuance For Violation: If any person violates any of the provisions of this chapter, the town superintendent may, subject to the notice and hearing provisions of subsection B of this section, discontinue or shut off either water service or garbage/trash collection service, or both, and shall charge a fee for the reinstatement of the service after all sums due to the town are paid. If the request for reinstatement is made between the hours of eight o'clock (8:00) A.M. through five o'clock (5:00) P.M., Monday through Friday, the reconnection fee will be twenty five dollars (\$25.00). If the request for reinstatement is made after regular office hours and standby personnel must be called out to make the reconnection, the after hours' reconnection fee will be fifty dollars (\$50.00).
- B. Disconnection For Late Payment:
1. Notice: It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The town form of application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:
- a. That all bills are due and payable on or before the date set forth on the bill;
- b. That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten (10) days of the mailing of the second bill, service will be discontinued for nonpayment; and
- c. That any customer disputing the correctness of his/her bill shall have a right to a hearing, at which time he/she may be represented in person and by counsel or any other person of his choosing, and may present orally or in writing his complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued, and shall have the authority to make a final determination of the customer's complaint.

2. Reinstatement: When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with the reinstatement of services fee. If the request for reinstatement is made between the hours of eight o'clock (8:00) A.M. through five o'clock (5:00) P.M., Monday through Friday, the reconnection fee will be twenty five dollars (\$25.00). If the request for reinstatement is made after regular office hours and standby personnel must be called out to make the reconnection, the after hours' reconnection fee will be fifty dollars (\$50.00). (Ord. 357, 3-21-2011)