

# PART 17 – UTILITIES

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## CHAPTER 1

### GENERAL PROVISIONS

#### SECTION – DESCRIPTION

- 17-101 Lease of utilities to authority
  - 17-102 Authority rules adopted by reference, penalty
- 

#### SECTION 17-101 LEASE OF UTILITIES TO AUTHORITY

The town hereby consents and agrees to the lease of the town's water, sanitary sewerage, and refuse systems and facilities and all future additions thereto to the Kiowa 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 on this date. The mayor of the town hereby is authorized and directed, on behalf of the town, to execute and deliver the lease to the Kiowa Public Works Authority.

*Cross Reference:* See also Town of Kiowa Public Works Authority Rules and Regulations.

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#### SECTION 17-102 AUTHORITY RULES ADOPTED BY REFERENCE, PENALTY

Rules and regulations adopted by the Kiowa 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 1-108 of this Code.

*Editor's Note:* See the minutes and resolutions of the Authority Board of Trustees and the Town of Kiowa Public Works Authority Rules and Regulations for regulations governing utilities, rates, and payment procedures for municipal utilities by the Authority.

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## **CHAPTER 2**

### **WATER SYSTEM AND SERVICES**

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## **ARTICLE A**

### **WATER SERVICE**

#### **SECTION – DESCRIPTION**

17-201 Water system as public utility

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#### **SECTION 17-201 WATER SYSTEM A PUBLIC UTILITY**

The water system of the town is hereby declared to be a public utility. Rates and rules shall be established by the Kiowa Public Works Authority or the town.

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## **ARTICLE B**

### **WATER SHORTAGES**

#### **SECTION – DESCRIPTION**

17-221 Authority of mayor in emergencies  
17-222 Emergency conditions  
17-223 Proclamation  
17-224 Publication  
17-225 Proclamation to last thirty days  
17-226 Appeals  
17-227 Penalty  
17-228 Theft of potable water

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#### **SECTION 17-221 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's water system.

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#### **SECTION 17-222 EMERGENCY CONDITIONS**

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

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### **SECTION 17-223 PROCLAMATION**

A. 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:

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.

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

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### **SECTION 17-224 PUBLICATION**

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 proclamation shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the proclamation.

B. 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 A of this section, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

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### **SECTION 17-225 PROCLAMATION TO LAST THIRTY DAYS**

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.

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## **SECTION 17-226 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.

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## **SECTION 17-227 PENALTY**

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 water use in violation of such proclamation shall constitute a separate offense. Violations of this chapter shall be punishable as provided in Section 1-108 of this Code.

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## **SECTION 17-228 THEFT OF POTABLE WATER**

Any person obtaining potable water without payment to the town is guilty of a violation of this Code. No individual shall remove a lock placed on his meter for non-payment, nor attach any device intended to bypass the meter. Violations of this chapter shall be punishable as provided in Section 1-108 of this Code.

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# **CHAPTER 3**

## **SEWER SYSTEM AND SERVICES**

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### **ARTICLE A**

#### **GENERAL PROVISIONS**

## **SECTION – DESCRIPTION**

17-301	Declaration of public utility
17-302	Definitions
17-303	Sanitary sewer connections required
17-304	Private disposal systems prohibited
17-305	Penalty for failure to connect
17-306	Permit required for sewer connection
17-307	Owner to bear expense for sewer connection
17-308	Sewer rates
17-309	Certain discharges prohibited
17-310	Special agreements for disposal of industrial wastes
17-311	Violations

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### **SECTION 17-301 DECLARATION OF PUBLIC UTILITY**

The sanitary sewer system of the town is declared to be a public utility, a proper source of revenue for the upkeep and maintenance of the system, for the financing of the system, and for other purposes.

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### **SECTION 17-302 DEFINITIONS**

For the purpose of this chapter, “sewage” is all matter and material placed in the sanitary sewer system of the town.

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### **SECTION 17-303 SANITARY SEWER CONNECTIONS REQUIRED**

The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose situated within the town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a sanitary sewer line of the town, is hereby required to install a suitable toilet and sewage disposal facilities therein and to connect such facilities directly with the public sanitary sewer system in accordance with the provisions of this Code.

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### **SECTION 17-304 PRIVATE DISPOSAL SYSTEMS PROHIBITED**

At such time as a public sanitary sewer line becomes available to a property served by a private sewer disposal system (or within five hundred (500) feet of such property), a direct connection shall be made to the public sanitary sewer system in compliance with this chapter, and any septic

tank, cesspool, or any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cesspool shall be permitted to discharge into the public sanitary sewer system.

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### **SECTION 17-305 PENALTY FOR FAILURE TO CONNECT**

The owner of any residence, public building, commercial, or industrial building who fails to connect with such facilities within thirty (30) days after such sewer facilities become available, within five hundred (500) feet of such property, shall be subject to a fine as provided in Section 1-108 of this Code until such connection is made.

**Exception:** If not enough fall can be obtained within the five hundred (500) feet, an exception can be granted at the discretion of the board of trustees.

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### **SECTION 17-306 PERMIT REQUIRED FOR SEWER CONNECTIONS**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sanitary sewer line or appurtenance thereof. Before commencement of the construction of any connection with the public sanitary sewer system, the owner of any dwelling, public building, commercial, or industrial building shall obtain a written permit signed by the town. The application for such permit shall be made on a form furnished by the town, and the connection shall be inspected by a person designated by the board of trustees.

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### **SECTION 17-307 OWNER TO BEAR EXPENSE FOR SEWER CONNECTION**

The owner shall bear the expense for sewer installation, connection, and maintenance, to include that any sewer tap that is under ten feet or does not require contract services for residential customers shall be in the amount of \$750.00, and for commercial customers shall be in the amount of \$1,500.00. Anything over ten feet, or requiring contract services, shall be in the amount of \$3,000.00. The fees set will be paid before the services are provided. These fees will include the installation of the new meter but do not include the meter deposit fee.

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### **SECTION 17-308 SEWER RATES**

The town shall make the sewer charges for each residential sewer connection, business sewer connection, and school system as determined by resolution or motion of the board of trustees.

These charges shall be billed to each customer monthly, and all such charges shall be paid to the town.

*Editor's Note:* Town adopted sewer user charge regulations on August 30, 2010. Copies are on file at the town hall.

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## **SECTION 17-309 CERTAIN DISCHARGES PROHIBITED**

A. No person may discharge to public sewers any waste which by itself, or by interaction with other wastes, may:

1. Injure or interfere with wastewater treatment processes or facilities;
2. Constitute a hazard to humans or animals;
3. Cause a violation of effluent or water quality limitations in the receiving waters of the wastewater treatment plant effluent;
4. Preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

All discharges shall be prohibited except those that meet the criteria for "Domestic wastewater." BOD concentration shall not exceed 300 mg/l, which is the maximum limit for average domestic wastewater.

B. All industrial discharges are prohibited. At the present time there are no industrial users in the town. If an industrial user should desire to locate in the town and make use of the sewage system, an industrial user system will be initiated in accordance with EPA and state regulations at that time to compensate for use of the system.

C. Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.

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## **SECTION 17-310 SPECIAL AGREEMENTS FOR DISPOSAL OF INDUSTRIAL WASTES**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern. Currently, there are no industrial sewer users in the town.

*Cross Reference:* See Sections 17-321 et seq. of this chapter on wastewater users.

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## **SECTION 17-311 VIOLATIONS**

A. Any person violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided in Subsection A of this section shall be guilty of a misdemeanor and, upon conviction thereof, be fined as provided in Section 1-108 of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

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## **ARTICLE B**

### **WASTEWATER USERS**

#### **SECTION – DESCRIPTION**

17-321	Purpose
17-322	Objectives
17-323	Abbreviations
17-324	Definitions
17-325	Prohibited discharge standards
17-326	Emergency suspensions
17-327	Interceptors required
17-328	Protection of system from damage
17-329	Restrictions
17-330	Penalty

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#### **SECTION 17-321 PURPOSE**

This article sets forth uniform requirements for direct or indirect contributors into the wastewater collection and treatment system of the town and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403.5).

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#### **SECTION 17-322 OBJECTIVES**

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by the wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works; and
- E. To enable the town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other state and federal laws to which the Publicly Owned Treatment Works is subject.

This article applies to all users of the Publicly Owned Treatment Works.

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## **SECTION 17-323 ABBREVIATIONS**

- A. BOD – Biochemical Oxygen Demand
  - B. CFR – Code of Federal Regulations
  - C. COD – Chemical Oxygen Demand
  - D. EPA – U.S. Environmental Protection Agency
  - E. mg/l – milligrams per liter
  - F. NPDES – National Pollutant Discharge Elimination System
  - G. POTW – Publicly Owned Treatment Works
  - H. USC – United States Code
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## **SECTION 17-324 DEFINITIONS**

- A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:
  - **“Act” or “The Act”** means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC Sections 1251 et seq.
  - **“Biochemical Oxygen Demand” or “BOD”** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/l).
  - **“Environmental Protection Agency” or “EPA”** means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of the agency.
  - **“Interference”** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operation, or the sludge processes, use, or disposal; and therefore is the cause of a

violation of the town's NPDES permit, including an increase in magnitude or duration of the violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

- **“Pass through”** means a discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the town's NPDES permit, including an increase in the magnitude or duration of a violation.
- **“pH”** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions measured in grams per liter of solution and expressed in standard units (SU).
- **“Pollutant”** means dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- **“Pretreatment standards” or “standards”** means prohibited discharge standards, categorical pretreatment standards, and local limits.
- **“Prohibited discharge standards” or “prohibited discharges”** means absolute prohibitions against the discharge of certain substances, including those prohibited in this article.
- **“Publicly Owned Treatment Works” or “POTW”** means a “treatment works” as defined in Section 212 of the Act (33 USC Section 1292) which is owned by the town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances which convey wastewater to a treatment plant.
- **“Sewage”** means human excrement and gray water (household showers, dishwashing operations, etc.).
- **“Superintendent”** means the person designated by the town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.
- **“User” or “Industrial user”** means a source of indirect discharge.

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## SECTION 17-325 PROHIBITED DISCHARGE STANDARDS

A. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

- B. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using methods specified in 40 CFR Section 261.21;
  2. Pollutants which will cause corrosive structural damage to the POTW or equipment, but in no case discharges with a pH lower than 5.0;
  3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
  4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
  5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40 degrees Centigrade);
  6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
  8. Any trucked or hauled pollutants except at discharge points designated by the POTW.
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## **SECTION 17-326 EMERGENCY SUSPENSIONS**

The superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons.

The superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with operation of the POTW, or which presents or may present an endangerment to the environment.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of the user's failure to immediately comply voluntarily with the suspension order, the superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals.

The superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the superintendent that the period of endangerment has passed.

If any waters or wastes are discharged to the POTW which contain the substances named above, or possess the characteristics enumerated in Section 17-325, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or

receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the superintendent will:

- (a) reject the wastes;
- (b) require pretreatment to an acceptable condition for discharge to the POTW;
- (c) require control over the quantities and rates of discharge; and
- (d) require payment to cover the added cost of handling and testing the wastes.

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## **SECTION 17-327 INTERCEPTORS REQUIRED**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable waste, sand, or any other harmful ingredients; except that such interceptors shall be of a type and capacity approved by the superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. Interceptors shall be installed by the owner at his expense.

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## **SECTION 17-328 PROTECTION OF SYSTEM FROM DAMAGE**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the POTW. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

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## **SECTION 17-329 RESTRICTIONS**

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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## **SECTION 17-330 PENALTY**

Any violation of this article is punishable as provided in Section 1-108 of this Code unless stated otherwise. Each day an offense occurs shall be considered a separate offense. (*Amended April 28, 2003*)

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# CHAPTER 4

## REFUSE COLLECTION SERVICES

### SECTION – DESCRIPTION

17-401	Definitions
17-402	Accumulations of garbage and refuse
17-403	Collection of garbage, refuse, and rubbish
17-404	Disposal
17-405	Fees
17-406	Duty to request refuse service
17-407	Penalty

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### SECTION 17-401 DEFINITIONS

A. For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them herein unless the context clearly requires otherwise:

- **“Garbage”** means all putrescible waste, except sewage and body wastes, including all meat, vegetable and fruit refuse, and carcasses of small animals and fowl from any premises within the town.
  - **“Premises”** means land, buildings or other structures, vehicles, watercraft or parts thereof, upon or in which refuse is stored.
  - **“Refuse”** means all solid wastes, including garbage and rubbish.
  - **“Rubbish”** means tin cans, bottles, papers, tree limbs, leaves, and similar materials from any premises within the town.
  - **“Rubble”** means brushwood, cardboard boxes, and other bulky earthen, wooden, or metal refuse-like materials, longer, larger, or heavier than refuse.
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### SECTION 17-402 ACCUMULATIONS OF GARBAGE AND REFUSE

It is the duty of every person owning, managing, operating, leasing, occupying, or renting any premises or any place where refuse accumulates to provide, and at all times maintain in good order and repair, on the premises, a portable container or containers for refuse. The container shall be rodent-proof and fly-proof and be of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the refuse that may accumulate between collections, except where approved type bulk containers are in use.

All such containers shall be kept clean and free from accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes, or any other insects. All refuse shall be transported to, and emptied into, the bulk containers where they are provided.

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## **SECTION 17-403 COLLECTION OF GARBAGE, REFUSE, AND RUBBISH**

- A. Every person owning, managing, operating, leasing, occupying, or renting any premises shall provide a metal or other satisfactory weatherproof container for the disposal of garbage, refuse, and rubbish in the town. The container shall be limited to pounds as determined by the town and its contractor. The containers shall be equipped and maintained with tight-fitting lids and side handles. The containers shall be placed at curbside for collection on the regular collection days in a location mutually convenient to the resident and the refuse collector.
- B. Commercial and institutional establishments shall use containers as are necessary to keep the premises in a sanitary condition and such as may be approved by the town board of trustees.
- C. The town board of trustees may, from time to time, adopt regulations governing the pickup of other items of debris not provided for herein.
- D. The town or its agents shall collect garbage, trash, debris, rubbish, and refuse as provided herein over routes approved by the town when such refuse is placed in proper containers as prescribed by the town.

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## **SECTION 17-404 DISPOSAL**

The disposal of garbage and rubbish shall be by landfill and daily cover.

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## **SECTION 17-405 FEES**

- A. Fees shall be established by motion or resolution for the refuse service provided by the town. The fees shall be included with the utility bills.
- B. An owner, lessee, or agent who is maintaining water service on unoccupied property shall not be required to pay a monthly charge for refuse collection service if such collection is not necessary.

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## **SECTION 17-406 DUTY TO REQUEST REFUSE SERVICE**

It is the duty of every person occupying or having control of the occupancy of any premises in the town to notify the town at the beginning of such occupancy and request, accept, and use the refuse collection service of the town.

Failure of any owner, rental agent, or occupant of premises to make such request shall not prevent, impair, or impede the town from adding that person's name to the refuse collection records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed.

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## **SECTION 17-407 PENALTY**

Any violation of this chapter shall be punishable as provided in Section 1-108 of this Code. Each day such violation occurs shall be a separate offense.

*Editor's Note:* The town currently contracts for refuse pickup and disposal.