

**TITLE 8**  
**PUBLIC UTILITIES**

# **CHAPTER 1**

## **WATER**

### **8.01.100: WATER DEPARTMENT AND SYSTEM:**

The Water Department of the Town is hereby created. It shall administer the operation and maintenance of the water system of the Town.

### **8.01.101: SUPERINTENDENT:**

There is hereby created the position of superintendent of the water department.

### **8.01.102: DUTIES OF THE SUPERINTENDENT:**

The superintendent of the water system shall manage and supervise the Town water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the Town council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor.

### **8.01.103: APPLICATION FOR WATER CONNECTION:**

Any person, other than a sub divider or developer seeking multiple connections, who desires or is required to secure a new connection to the Town water system, shall file with the water department for each such connection a written and signed connection application in substantially the form shown in Appendix A.

### **8.01.104: APPLICATION FOR WATER CONNECTION BY SUBDIVIDER:**

Whenever a sub divider or developer desires or is required to install water connections and extensions for a subdivision or development, the 41001422042sub divider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

### **8.01.105: APPLICATION FOR WATER SERVICE:**

Any person who desires or is required to secure water service when such service is available from the Town water system, shall file with the water department a written application and agreement for the service which shall be in substantially the form shown in Appendix A.

### **8.01.106: NON-OWNER APPLICANTS - AGREEMENT OF OWNER:**

Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

### **8.01.107: RATES AND CONNECTION FEES:**

The rates, penalty fee for delinquency in payment, connection fee, impact fee, inspection fee and other charges incidental to connection and services from the Town water system shall be fixed from time to time by resolution enacted by the Town council. The Town council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.

### **8.01.108: SPECIAL RATES:**

The Town Council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

### **8.01.109: BOARD OF EQUALIZATION, RATES, AND REBATES:**

The Town Council is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

### **8.01.110: USE WITHOUT PAYMENT PROHIBITED:**

It shall be unlawful for any person by himself, family, servants, or agents to utilize the Town water or sewer system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.

### **8.01.111: DELINQUENCY - DISCONTINUANCE OF SERVICE:**

- A. The clerk or water supervisor shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular interval as the Town council shall direct.
- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 30 days of the date due, the clerk or water supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from the date of notice.
- C. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the Town. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the Town council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of \$ ? for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the Town.

### **8.01.112: TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED:**

It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or clerk.

### **8.01.113: SEPARATE CONNECTIONS:**

It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the Town Council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the Town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes, connections, or meters at a subsequent time.

#### **8.01.114: UNAUTHORIZED USERS:**

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.

#### **8.01.115: PERIOD FOR VISITORS:**

Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed  2  month(s). Continued use thereafter shall be deemed unauthorized and a violation of the provisions of this part relating to separate connections and unauthorized use.

#### **8.01.116: PIPES TO BE KEPT IN GOOD REPAIR:**

All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

#### **8.01.117: QUALITY OF SERVICE PIPE:**

- A. All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality, and specifications as the Town Council may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefor from the clerk.
- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

#### **8.01.118: FAULTY EQUIPMENT:**

It shall be unlawful for any water user to:

- A. Waste water.
- B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

- C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

#### **8.01.119: DEPARTMENT TO HAVE FREE ACCESS:**

The Water Superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the Town system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

#### **8.01.120: NONLIABILITY FOR DAMAGES:**

The Town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act.

#### **8.01.121: WATER NOT SUPPLIED FOR MOTORS, SYPHONS, ETC:**

No water shall be supplied from the pipes of the Town water system for the purpose of driving motor, syphon, turbine or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the Town Council.

#### **8.01.122: SPRINKLERS:**

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the Town Council materially affect the pressure or supply of water in the Town water system or any part thereof, and the Town Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The Town Council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

#### **8.01.123: SCARCITY OF WATER:**

In time of scarcity of water, whenever it shall in the judgment of the mayor and the Town Council be necessary, the mayor shall by proclamation limit the use of water to such extent as

may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.

#### **8.01.124: WASTE OF WATER:**

- A. Users of water from the Town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Water Superintendent or of any of the officers of the Town, a user of Town water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the Town Council.
- B. The Town Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the Town Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize Town water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
- D. After due hearing, the Town Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

#### **8.01.125: WATER METERS:**

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the Town water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
- B. Meters will be furnished by the Town upon application for a connection, and upon payment of such connection fees and other costs as may be established by the Town council from time to time by resolution.
- C. Meters shall be deemed to be and remain the property of the Town. Whenever a dispute between Superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the Town Council after due notice in writing to the parties involved.
- D. The Superintendent shall cause meter readings to be taken regularly and shall advise the clerk thereof for the purpose of recording the necessary billings for water service.

- E. Meters may be checked, inspected or adjusted at the discretion of the Town, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the Town unless special permission is given by the Town through its representatives to the customer to do so.
- F. If a customer submits a written request to the Superintendent to test his water meter, the Town may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the Town Council, the meter shall be deemed to accurately measure the use of water.
- G. If the Town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the Town shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
- H. All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the Town be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the Town through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

#### **8.01.126: PERMITS FOR INSTALLATION:**

It shall be unlawful for any person to lay, repair, alter or connect any water line to the Town culinary water system without first having received a construction permit from the Office of the Clerk or from the Water Superintendent.

#### **8.01.127: APPLICATIONS FOR INSTALLATION PERMIT:**

- A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the Town water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the Superintendent determines that:
  - 1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
  - 2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the Town. All connections, alterations or



installations shall be to the line and grade designated by the Water Superintendent.

- B. Fees for permits or for inspection services shall be of such amounts as the Town Council shall from time to time determine by resolution.

## **CHAPTER TWO SEWERS**

### **8.02.100: ADMINISTRATION**

#### **8.02.101: SEWER DEPARTMENT AND SYSTEM:**

The Sewer Department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the Town's sewage collection and disposal system. The Department shall administer the operation and maintenance of the Town sewer system.

#### **8.02.102: SUPERINTENDENT OF THE SEWER DEPARTMENT:**

There is hereby created the position of Superintendent of the sewer department.

#### **8.02.103: DUTIES OF THE SUPERINTENDENT:**

The Superintendent of the sewer department shall manage and supervise the Town's sewer system under the direction of the Town Council which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the Mayor relating to the sewer system.

#### **8.02.104: APPLICATION FOR SEWER SERVICE:**

Any person who desires or is required to secure sewer service when such service is available from the Town sewer systems shall apply therefore to the clerk and file an agreement with the Town which shall be in substantially the form shown in Appendix A.

#### **8.02.105: NONOWNER APPLICANTS - AGREEMENT BY OWNER:**

Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

#### **8.02.106: RATES AND CONNECTION FEE:**

The rates, penalty fee for delinquency in payment and connection and impact fees for sewer services from the Town sewer system shall be fixed from time to time by resolution or ordinance of the Town council. The Town council may from time to time enact rules for levying, billing,

guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system.

### **8.02.107: SPECIAL RATES:**

The Town Council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

### **8.02.108: BOARD OF EQUALIZATION, RATES AND REBATES:**

The Town Council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

### **8.02.109: DELINQUENCY - DISCONTINUANCE OF SERVICE:**

- A. The Sewer Department, or such other person as the Town Council may designate, shall furnish to each user or mail or leave at his place or residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him once each month or at such other regular intervals as the Town Council shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
- B. If any person fails to pay his sewer charges within 30 days of the date due, the Clerk or the Sewer Superintendent shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within five days from date of notice.
- C. If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the Town Treasurer or arrangements made for their payment that are satisfactory to the Town.
- D. In the event water is turned off for nonpayment of sewer charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the Town Council may have established by resolution or ordinance.
- E. If any person fails to pay his sewer charges within 30 days of the due date, the Clerk or the Sewer Supervisor is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.

#### **8.02.110: USE OF SEWER SYSTEM MANDATORY:**

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the Town which are located within 300 feet of a sewer main to dispose of sewage therefrom by any means other than by use of the Town sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool, or septic tank on the property except by written approval of the Town Council in cases of undue hardship.

#### **8.02.111: QUALIFIED PLUMBING NECESSARY:**

It shall be unlawful for any person to connect any drain or sewer pipe with the Town sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly licensed plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to the Sewer Superintendent for review and approval. After such approval, the installation or work done shall be subject to inspection by the superintendent or his agent.

#### **8.02.112: PERMITS FOR INSTALLATIONS:**

It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or sewer pipe connected with or part of the Town sewer system without first having received a permit from the office of the Clerk or the Sewer Superintendent.

#### **8.02.113: WHEN PERMITS SHALL NOT BE ISSUED:**

Permits to connect to the Town sewer system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the Town.

#### **8.02.114: REVOCATION OF PERMITS:**

All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the Superintendent or his agents. The Clerk or Superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

#### **8.02.115: PIPES TO BE KEPT IN GOOD REPAIR:**

All users of the sewer services shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the Sewer Superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.

### **8.02.116: QUALITY OF SERVICE PIPE:**

All service and other pipes used in conjunction with the sewer services of the Town shall be of such material, quality and specifications as the Town council may from time to time by resolution provide and shall be installed at such distances below ground as may be specified by regulations relating to the sewer department. All work, alterations or extensions affecting sewer pipes shall be subject to the acceptance of the sewer superintendent, and no connections with sewer mains shall be made without first obtaining a permit therefor from the clerk.

### **8.02.117: DEPARTMENT TO HAVE FREE ACCESS:**

The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the Town system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

### **8.02.118: TRIAL SEWER SURVEY:**

In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make an application for a trial sewer survey, the cost of which shall be as established from time to time by resolution of the Town council. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

### **8.02.200: REGULATION AND CONTROL OF SEWER:**

#### **8.02.201: PROHIBITED USES AND REGULATIONS:**

The Town Council shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter. Violation of any duly adopted use regulations shall be a class B misdemeanor.

#### **8.02.202: OWNERSHIP OF CONNECTING LINES:**

Unless provision is expressly made for ownership of mains or lines by owner of the adjacent property by means of a written agreement, all lines and mains connecting the sewer system to a land owner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. All lines or laterals from the property line to the business or residence shall be the property and responsibility of the land owner or resident.

**8.02.203: SEWER MAN-HOLES:**

It shall be unlawful for any person to open any sewer man-hole without permission from the Superintendent.

**8.02.204: DESTRUCTION:**

It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the sewer system.

## APPENDIX B

### APPLICATION FOR SEWER SERVICE

TO THE TOWN OF HIDEOUT:

The undersigned hereby applies for sewer services from the Town for premises located at \_\_\_\_\_ and hereby agrees to pay charges for such sewer services as shall be fixed by the Town Council of the Town by resolution or ordinance until such time as I shall direct such service to be discontinued. In the event of a failure to pay for this service within the due dates fixed by the Town Council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the Town Council relating to the use of the sewer system, the Town shall have the right to discontinue my water service from the Town water system until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.

Additionally, I agree that the Town shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction.

The Applicant agrees to pay all costs of collection including court costs and attorney's fees.

The undersigned agrees to be bound by the rules, regulations resolutions or ordinances enacted or adopted by the Town Council of the Town applicable to the Town's sewer system.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Applicant)

OWNERS SEWER SERVICE AGREEMENT

In consideration of the acceptance of the application for sewer service submitted by (any present or future tenant) \_\_\_\_\_, I, or we, will pay for all sewer services furnished to such tenant, or other occupant of \_\_\_\_\_(premises)\_\_\_\_\_, in case such tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the Town.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Applicant)