|  |
| --- |
|  |
| **TITLE V: PUBLIC WORKS**  Chapter  **50. GARBAGE AND RUBBISH**  **51. RECYCLING**  **52. TOWN UTILITIES**  **53. WATER AND SEWERS**  **54. STORM DRAINAGE FACILITIES**  **55. SEWER REGULATIONS** |

|  |
| --- |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| **Section**  50.01 Definitions  50.02 Garbage to be promptly removed  50.03 Containers required  50.04 Collection schedule  50.05 Unlawful to displace containers  50.06 Wet garbage  50.07 Deposit in public places  50.08 Transportation by private persons  50.09 Removal of dead animals  50.10 Trash  50.11 Yard rubbish  50.12 Bulky items and white goods  50.13 Limitations on collections  50.14 Recycling required  50.15 Collection charges  50.16 Collection and transportation  50.17 Solid waste management rules adopted  50.18 Penalty  **§ 50.01 DEFINITIONS.**  For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.  ***BULKY ITEMS.*** All ferrous metal products, excluding white goods, such as bicycles, lawn mowers, antennas, and other household goods, as well as large non-metal items such as, but not limited to, furniture, rugs, mattresses, box springs, stereos, and television sets.  ***GARBAGE.*** A collectible waste, including all kitchen waste, both animal and vegetable, and all other non-recyclable household waste. Building material scraps and tree trimmings, used tires, dilapidated toys, bicycles, household appliances and furniture, and other articles of personal property are not considered ***GARBAGE*** and are subject to the regulations as specified in this chapter.  ***OCCUPIER OF LAND.*** Any residential dwelling, commercial establishment, or nonprofit organization which shall hold title to or shall be in possession of any property in the town, whether as owner, lessee or tenant.  ***REFUSE.*** All non-putrescible wastes.  ***TRASH.*** Rags and small amounts of materials and items normally coming from occupied premises, and not falling within any other category.  ***WHITE GOODS.*** Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic appliances.  ***YARD RUBBISH.*** Tree limbs, leaves, shrubbery, weeds, plants or grass. (Ord. passed 11-14-91) |
| **1** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| **§ 50.02 GARBAGE TO BE PROMPTLY REMOVED.**  Garbage is required to be promptly removed. No garbage that has become decayed or that shall otherwise be a menace to health, or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, cafe, restaurant, lunch stand, fruit stand, meat market, store, or other building, or on any premises any longer than shall be reasonably necessary to remove and deposit the same in a container of containers as hereinafter provided in this chapter. (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. passed 2-20-18) (Ord. revised 1-17-17)  ***Statutory reference:***  *For provisions of the Solid Waste Management Act, see G.S. § 130A-290 et seq.*  **§ 50.03 CONTAINERS REQUIRED.**  (A) All occupiers of land shall deposit all garbage and permitted refuse in roll-out containers provided by the town, except as provided in division (B) below. The roll-out containers shall be placed adjacent to the street for collection on the day(s) designated for pickup. All garbage customers will be charged a monthly garbage collection fee as established by the Board of Aldermen.  (B) The town shall provide occupiers of land one roll-out container. Nonresidential occupiers of land requiring more than one roll-out container per pickup will normally contract with a commercial solid waste collection service to handle their garbage collection. Upon presentation of a signed contract with a solid waste collection service licensed by the county, the town will discontinue the garbage collection service to that customer and will eliminate the monthly garbage collection fee from the customer's utility bill. Upon request, the town will provide occupiers of land with two roll-out containers for garbage per collection provided said occupier of land pays a monthly garbage collection fee equal to twice the established residential collection rate or fee.  (C) Roll-out containers shall be placed within five feet of the curbside or edge of the street or in a location approved by the Public Works Director, but shall not be placed on the street or sidewalk. Unless otherwise authorized.  (D) The roll-out containers shall be placed in the required location for collection no earlier than 5:00 p.m. on the day preceding the designated pickup day and shall be removed from the curbside location no later than 8:00 a.m. on the day following garbage collection. Except during these hours, the roll-out containers shall be kept in a location no closer to the street than the front line of the principal structure. (Ord. revised 1-17-17)  (E) Roll-out containers which are damaged or destroyed through abuse, neglect, or improper use by the occupier of land shall be repaired or replaced by the town with the total expense to be paid by the occupier of land. Roll-out containers which are lost, missing or stolen will be replaced by the town at the total expense of the occupier of land. Roll-out containers which become unusable due to normal deterioration shall be repaired or replaced by the town.  (F) The following materials shall not be placed on or within the roll-out containers: recyclable materials designated by the town, rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals, or ashes or building materials. These prohibited materials must be disposed of in the manner prescribed by the town's code of ordinances or as allowed by the Wayne County Solid Waste and Recycling Ordinance. Violation of |
| **2** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter or disposable diapers shall be placed within a roll-out containers unless the material is first thoroughly sealed within a plastic bag.  (G) In order to prevent undue hardships to the aged, handicapped, or disabled, the Director of Public Works is authorized to waiver or vary the requirements of this section relating to placement of the roll-out cart at a curbside location for collection after conducting a thorough investigation and finding that there is no person living within a particular residential unit who is physically capable of placing the container in the required location for pickup.  (H) Garbage will not be collected from plastic bags, pasteboard boxes, or any container outside the roll-out containers described above. (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. passed 2-20-18) (Ord. revised 1-17-17)  **§ 50.04 COLLECTION SCHEDULE.**  Garbage and refuse will be collected by the town according to a collection schedule maintained in the Town Clerk's office. The schedule may be periodically revised as deemed necessary by the Director of Public Works. Collections will not be made on town holidays. (Ord. passed 11-14-91)  **§ 50.05 UNLAWFUL TO DISPLACE CONTAINERS.**  It shall be unlawful for any person to damage, displace, or to otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.  (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. revised 1-17-17)  **§ 50.06 WET GARBAGE.**  All wet garbage shall have the liquid drained off and shall be wrapped in plastic or other material before it is placed in the garbage container thus preventing odor and the breeding of flies in summer and freezing and adhesion to the container in winter.  (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. revised 1-17-17)  **§ 50.07 DEPOSIT IN PUBLIC PLACES.**  No person shall throw, place, or deposit any garbage in any street, alley, public place, or private property within the town limits, except in garbage containers or garbage vehicles as provided in this chapter.  (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. revised 1-17-17)  **§ 50.08 TRANSPORTATION BY PRIVATE PERSONS.**  Garbage and refuse collection by any person(s) other than the town or its agent within the town limits shall be prohibited except as allowed in § 50.03(B) hereof. (Ord. passed 11-14-91) Penalty, See § 50.18 (Ord. revised 1-17-17 |
| **3** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| **§ 50.09 REMOVAL OF DEAD ANIMALS.**  Dead animals will be removed by the town at any time during normal working hours. The public should report dead animals to be removed to the Town Clerk. (Ord. passed 11-14-91)  **§ 50.10 TRASH.**  Trash, as a collectible waste, includes debris from normal household operations, excluding recyclable materials as defined in Chapter 51. The trash must be placed in the roll-out container(s) provided by the town for collection. (Ord. passed 11-14-91)  **§ 50.11 YARD RUBBISH.**  (A) Yard rubbish, as a collectible waste, includes grass clippings, leaves, garden and hedge trimmings, and ordinary accumulations of tree prunings of limbs three inches in diameter or less shall be containerized. Large accumulations of brush from extensive hedge and tree trimmings and large bulky interwoven masses of grape vines or other type vines which cannot be fed through a limb chipper or loaded as one unit must be cut into small pieces for containerization. All containerized yard rubbish shall be placed at a roadside location so as not to interfere with vehicular or pedestrian traffic or with the operation of the town's storm drainage systems. A wire cage with no bottom does not constitute a container as herein defined. The maximum acceptable weight for a container and contents shall not exceed 100 pounds. Should the occupier of land desire, a commercial roll-out type container on wheels may be used for curbside containerization, provided the roll-out container is approved before purchase as a type which will work with the town's lifting equipment. To assure collection on a given collection day, all containerized yard rubbish should be placed at a roadside location on the day before scheduled collection. The town will limit the amount of yard rubbish-collected from an individual residence to no more than one-quarter load of a single-axle flatbed truck per collection.  (B) Tree limbs and large shrubbery must be placed in a separate pile from all other yard rubbish. Limbs may be no longer than eight feet in length and the diameter shall not exceed three inches. Collection will not fall on a specific day for any residence and frequency of collection from a particular residence will depend on the volume of the debris town wide. The town will limit the amount of limbs collected from an individual residence to no more than one-quarter load of a single-axle flatbed truck per collection.  (C) Felled trees, stumps, and branches larger than three inches in diameter and/or longer than eight feet in length are not collectible by the town and must be disposed of by private means.  (D) Limbs, stumps, and/or debris from extensive tree trimming or tree removal done by private contractor is not collectible by the town. The limbs, stumps, and/or debris must also be disposed of by the occupier of land or by private means.  (E) *Leaf Collection.* Leaves are more easily collected when placed in containers. During the leaf-falling season (October 15 through February 15), it is permitted to place rows or piles of leaves and pine straw at roadside; provided, that such rows or piles shall not interfere with vehicular or pedestrian traffic or with the operation of the town's storm drainage system. During the portion of the year not considered as the leaf-falling season (February 16 through October 14), all leaves shall be placed in suitable containers for collection by the town. (Ord. passed 11-14-91) Penalty, see § 50.18 (Ord. revised 1-17-17) |
| **4** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| **§ 50.12 BULKY ITEMS AND WHITE GOODS.**  (A) Bulky items such as worn out furniture, bicycles, and the like will be picked up by the town by appointment only, at which time these items may be placed at a roadside location for collection. Appointments must be made through the Public Works Director. The charges for bulk items are listed on the Bulk Good Fee Schedule and shall be payable in advance at the town hall. Any bulk items placed at the curb without calling to schedule an appointment for pickup, as required above, may be collected at the convenience of the Public Works Director and the charge shall be added to the occupier of the land’s town utility bill. Failure to pay said fees will result in the discontinuance of the occupier of land’s other utilities as provided by the town. The occupier of land’s utilities will not be restored until the fees and all other applicable penalties and/or service charges are paid. An exception to the above rule is during Spring and Fall Cleanup, which is during the months of March and October. (Ord. passed 7-18-05) (Ord. revised 4-17-18)  (B) White goods will be collected once a week with no charge for occupiers of land, except retail sellers of white goods. The time of such collections will be announced by the Public Works Director. At other times, white goods shall be collected by special request only (by a call to the Public Works Director) at a rate set forth by the Board of Aldermen, with the town retaining the right to require fees for such items being collected by the town in advance of pickup; otherwise, said fees shall be added to the occupier of land's town utilities bill. Failure to pay said fees will result in the discontinuance of the occupier of land's other utilities as provided by the town. The occupier of land's utilities will not be restored until the fees and all other applicable penalties and/or service charges are paid. (Ord. passed 11-14-91. Motion passed 4-21-92. Motion passed 11-15-94)  **§ 50.13 LIMITATIONS ON COLLECTIONS.**  (A) The town will not be responsible for the collection of any of the following materials:  (1) Building and/or construction materials such as, but not limited to, dirt, turf, rock, trade waste, wallpaper, lumber shavings, brick, concrete, metal, shingles, and fencing material;    (2) Human or animal excrement or obnoxious material;  (3) Radioactive waste material;  (4) Hazardous waste, lead acid batteries, liquid waste (including used oil), infectious waste and any other waste that may pose a threat to the environment or the public health, as determined by the Division of Solid Waste Management of the North Carolina Department of Environment, Health, and Natural Resources;  (5) Scrap or used tires;  (6) Fetuses, remains of terminated pregnancies and human body organs or parts; and  (7) Medical waste (as defined in the Solid Waste Management Rules prepared by the Department of Environment, Health, and Natural Resources.  (B) None of the above materials shall be placed at the roadside or at garbage collection points for collection by the town. (Ord. passed 11-14-91) |
| **5** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| **§ 50.14 RECYCLING REQUIRED.**  (A) Refer to Chapter 51 for the town's requirements with regard to recycling.  (B) Materials required by the town in § 51.07 to be recycled that are disposed of as garbage in the town's designated garbage container(s) shall be in violation of the town's recycling regulations as specified in Chapter 51 hereof. Such violations shall subject the offender or violator to the enforcement and penalties provisions outlined in § 51.99. (Ord. passed 11-14-91)  **§ 50.15 COLLECTION CHARGES.**  Monthly charges for all types of waste collection shall be at the rates set forth by the Board of Aldermen and said monthly charge(s) (and any unpaid charge for special pick-ups) shall be billed by the town to each occupier of land monthly and shall be payable with the occupier of land's town utilities bill within the time limit established for payment of said utilities bill. Failure to pay said waste collection fee(s) will result in the discontinuance of the occupier of land's other utilities as provided by the town. The occupier of land's utilities will not be restored until the waste collection fee(s) and all other applicable penalties and/or service charges are paid. (Ord. passed 11-14-91)  **§ 50.16 COLLECTION AND TRANSPORTATION.**  The solid waste collector (whether the town, its contractor or franchisee) shall be responsible for the satisfactory collection and transportation of all solid waste to a permitted disposal site or facility, and shall transport to a particular site or facility only such solid waste which the site or facility is permitted to receive. Vehicles or containers used for the collection and transportation thereof (by whatever means) shall be covered, leak proof, durable, and of easily cleanable construction, and shall be cleaned as often as necessary to prevent a nuisance or insect breeding, and shall be further maintained in good repair. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill and shall be covered when necessary to keep the contents dry and to prevent blowing of material. If spillage should occur, the material shall be picked up immediately by the solid waste collector and returned to the vehicle or container and the area shall be properly cleaned. (Ord. passed 11-14-91)  **§ 50.17 SOLID WASTE MANAGEMENT RULES ADOPTED.**  All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and disposed of in a manner consistent with the requirements of the “Solid Waste Management Rules” prepared by the Solid Waste Management Division of the North Carolina Department of Environment, Health, and Natural Resources (and any and all subsequent amendments thereof), which are incorporated herein by reference. (Ord. passed 11-14-91)  **§ 50.18 PENALTY.**  (A) Violators of the town’s recycling requirements will be issued a maximum of two written warnings per calendar year. After these two written warnings, each additional violation of this ordinance in the same calendar year shall subject the offender to a civil penalty in the amount of $25 to be recovered by the town. This $25 civil penalty will be added to the offender’s monthly utility bill. |
| **6** |
| **CHAPTER 50: GARBAGE AND RUBBISH** |
| (B)This chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction. The town may also petition the General Court of Justice of the county seeking injunctive relief, or other relief as deemed appropriate, to require compliance with this chapter. Cost of such actions shall be assessed against the individual who is failing to comply with this chapter. (Ord. passed 1-17-17)  (Ord. revised 2-20-18) |
| **7** |
| **CHAPTER 51: RECYCLING** |
| **Section**  51.01 Purpose and declaration of policy  51.02 Definitions  51.03 Supervision of the recycling program  51.04 Mandatory separation of recyclable materials  51.05 Collection of recyclable materials  51.06 Scavenging and unauthorized collections  51.07 Recyclable materials  51.99 Penalty  **§ 51.01 PURPOSE AND DECLARATION OF POLICY.**  This chapter has been created due to public interest in preserving the environment by reducing the amount of refuse sent to landfills. Because of the solid waste disposal problems and potential solution to some of these problems provided by recycling, it shall be the policy of the town to require recycling of recyclable materials to the fullest extent possible. (Ord. passed 9-12-91)  **§ 51.02 DEFINITIONS.**  For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.  ***ALUMINUM MATERIALS.*** Cans used to hold beverages, foil, wrappers, containers for prepared foods, screens, frames, lawn chairs, and aluminum siding.  ***BULKY ITEMS.*** All ferrous metal products, excluding white goods, such as bicycles, lawn mowers, antennas, and other household goods, as well as large non-metal items such as, but not limited to, furniture, rugs, mattresses, box springs, stereos, and television sets.  ***COLLECTION FACILITY.*** A center, generally located on town property and managed by the town or its agent, for the acceptance by donation of recyclable materials by the public.  ***COMMERCIAL ESTABLISHMENT.*** Any nonresidential building or establishment, for profit or nonprofit, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.  ***CORRUGATED CARDBOARD.*** Paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons.  ***DEBRIS.*** Demolition materials, broken concrete, broken glass, and like material which is not recyclable.  ***GARBAGE.*** A collectible waste, including all kitchen waste, both animal and vegetable, and all other nonrecyclable household waste. Building material scraps and tree trimmings, used tires, dilapidated toys, bicycles, household appliances and furniture, and other articles of personal property are not considered ***GARBAGE*** and are subject to the regulations as specified in Chapter 51. |
| **8** |
| **CHAPTER 51: RECYCLING** |
| ***GLASS.*** Bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling of various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, safety glass, light bulbs, ceramics, or pieces of broken glass.  ***HIGH-GRADE PAPER.*** Computer paper, tab cards, white letterhead, ledger, and non-glossy copier paper.  ***MULTI-FAMILY DWELLING.*** Any place of residence with two or more dwelling units, including apartments, cooperatives, condominiums, group houses, rooming houses, boarding houses, or other residences as defined in § 153.02 of the Zoning Code.  ***NEWSPAPERS.*** Newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed.  ***NONPROFIT ORGANIZATION.*** An established organization or foundation dedicated to public service or culture including, but not limited to, religious, educational, and health care functions. Federal, state, and local governmental establishments are considered nonprofit organizations for purposes of this chapter. This term shall include civic clubs, youth groups, and extra-curricular school organizations.  ***NONRECYCLABLE MATERIALS.*** Garbage, debris, and any other materials which are not designated as recyclable by the town.  ***OCCUPIER OF LAND.*** Any residential dwelling, commercial establishment, or nonprofit organization which shall hold title to or shall be in possession of any property in the town, whether as owner, lessee or tenant.  ***OIL.*** A petroleum-based or synthetic oil which is used as a lubricant for internal combustion engines, transmissions, gears, or axles and which, through use, storage, or handling, has become unsuitable for its original purpose. This does not include oils used for cooking.  ***PAPER.*** Newspapers, magazines, slick paper, telephone books, paperback books, high-grade paper, and uncontaminated or unsoiled wastepaper products. This does not include waxed paper products.  ***PLASTIC BEVERAGE CONTAINERS.*** Plastic containers, such as soft drink containers, which are P.E.T. (polyethylene terephalate) and marked with the number one and plastic containers, such as milk containers, which are H.D.P.E. (high density polyethylene) and marked with the number two. Plastic containers marked 3 through 7 are also recyclable.  ***PROCESSING FACILITY.*** A building or enclosed space used for the collection and processing of recyclable material. Processing means the preparation of materials in one or more of the following manners: baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.  ***RECYCLABLE MATERIALS.*** Any types of refuse designated by the town within this chapter to be separated for recycling.  ***RECYCLING RECEPTACLE.*** Any unattended bin, box, container, structure, or device, whether owned by the town or its agent, with the purpose of serving as a container for the collection of recyclable materials. |
| **9** |
| **CHAPTER 51: RECYCLING** |
| This includes receptacles located on the premises of occupiers of land as well as receptacles placed at town collection facilities.  ***REFUSE.*** All solid waste generated by occupiers of land within the town, whether recyclable or nonrecyclable materials.  ***RESIDENTIAL DWELLING.*** Any housing structure with at least one unit, including, but not limited to, single-family homes, mobile homes, and multi-family dwellings.  ***TIN CANS.*** Steel and tin-coated cans.  ***WASTEPAPER PRODUCTS.*** All uncontaminated or unsoiled paper material such as books, food cartons, cardboard boxes, wrapping paper, bags, and discarded letters and envelops. This does not include newspapers or high-grade paper.  ***WHITE GOODS.*** Includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic appliances.  ***YARD WASTES.*** Plant material, grass cuttings, tree trimmings, hedge clippings, bushes, flowers, roots, branches, tree limbs, and similar biodegradable materials. (Ord. passed 9-12-91)  **§ 51.03 SUPERVISION OF THE RECYCLING PROGRAM.**  (A) The collection, removal, and disposal of materials designated as recyclable by the town shall be supervised by the Public Works Director.  (B) The Public Works Director is responsible for coordinating the collection, transport, and delivery of recyclable materials from the town to processing facilities.  (C) The Public Works Director shall assist establishments and multi-family dwellings in determining locations and placement of on-premises recycling receptacles.  (Ord. passed 9-12-91)  **§ 51.04 MANDATORY SEPARATION OF RECYCLABLE MATERIALS.**  It shall be mandatory for each occupier of land in the town to separate all designated recyclable materials from other refuse, in accordance with the provisions of this chapter. (Ord. passed 9-12-91) Penalty, see § 51.99  **§ 51.05 COLLECTION OF RECYCLABLE MATERIALS.**  (A) The materials designated for recycling in § 51.07 shall be placed in a recycling receptacle provided by the town, or as otherwise specified in § 51.07. If the amount of recyclable materials is greater than the container(s) provided, such materials must be bagged in paper bags only and placed adjacent to the recycling receptacle(s) on the collection dates. When excess recyclables are placed in paper bags, the recyclables shall not be mixed; each type recyclable material shall be placed in a separate paper bag to facilitate collection. |
| **10** |
| **CHAPTER 51: RECYCLING** |
| (B) The initial recycling receptacle(s) to be utilized in the town's curbside recycling program will be provided to the occupier of land by the town or its authorized agent. The occupier of land may utilize the recycling receptacle(s) for the purposes of the town's curbside recycling program only and said recycling receptacle(s) shall remain the property of the town. Recycling receptacles which are damaged or destroyed through abuse, neglect, or improper use by the occupier of land shall be replaced by the town at the total expense of the occupier of land. Recycling receptacles which become unusable due to normal deterioration, as determined by the town, shall be repaired or replaced by the town. Recycling receptacles which are missing or stolen will be replaced by the town at the expense of the occupier of land. Whenever the recycling receptacle(s) is replaced by the town at the expense of the occupier of land, the cost of said replacement recycling receptacle(s) will be added to the occupier of land's monthly utility bill and failure to pay said cost will result in the discontinuance of the occupier of land's other utilities as provided by the town. The occupier of land's utilities will not be restored until the cost of the replacement recycling receptacle(s) and all other applicable fees and/or service charges are paid.  (C) Recycling receptacles shall be placed at curbside or other designated spot on the occupier of land's premises for collection no earlier than 5:00 p.m. of the day preceding the designated collection day. Collections shall be made by the town, or its agent, on said collection days. After collection, empty receptacles shall be removed by the occupier of land by 8:00 a.m. of the day following collection of recyclables.  (D) Recyclable materials which must be taken to a collection facility pursuant to § 51.07 shall be placed in the appropriate container at the collection facility. (Ord. passed 9-12-91) Penalty, see § 51.99  **§ 51.06 SCAVENGING AND UNAUTHORIZED COLLECTIONS.**  (A) Recyclable materials placed at curbside for collection or in any recycling receptacle placed by the town are the property of the town or its authorized agent. It is a violation of this chapter for any person unauthorized by the town to collect or pick up or cause to be collected or picked up any such recyclable materials or receptacles.  (B) Nothing in this section is intended to prevent any occupier of land from donating or selling recyclable materials from its own refuse.  (C) It shall be unlawful for any person to place, locate, establish, maintain, erect, leave, or otherwise make available any unattended recycling receptacle which is in public view in the town for the purpose of collecting discarded recyclable materials, provided, however, that in case of undertakings sponsored by a bona fide nonprofit organization, the Town Administrator shall be authorized to issue temporary permits for the location and use of recycling receptacles. (Ord. passed 9-12-91) Penalty, see § 51.99  **§ 51.07 RECYCLABLE MATERIALS.**  (A) The following types of refuse are designated as recyclable materials by the town. It shall be unlawful for any occupier of land to dispose of recyclable materials in violation of this chapter. These materials shall be separated from other refuse and placed in recycling receptacles or at collection facilities in the manner described:  **(1)** **Aluminum materials.** The only aluminum materials required to be recycled are aluminum cans. Such aluminum cans should be emptied. All other aluminum materials shall be disposed of |
| **11** |
| **CHAPTER 51: RECYCLING** |
| as non-recyclable materials.  **(2)** **Bulky items.**  Bulky items shall be disposed of in accordance with § 50.12(A) or taken to a designated collection facility.  **(3)** **Corrugated cardboard.** Corrugated cardboard shall be flattened and delivered to a collection facility provided by the town.  **(4)** **Glass (clear, brown, and green glass only).** It should be rinsed and placed in a recycling receptacle. All caps, covers, and lids shall be removed prior to disposal and placed with non-recyclable materials. Broken glass of different colors (clear, brown, and green only) shall not be mixed, but placed in separate paper bags and marked as “broken glass.” Other glass materials as defined in § 51.02 shall not be mixed with recyclable glass and should be disposed of as garbage.  **(5) Paper.** Paper, which includes newspapers, magazines, telephone books, paperback books, high-grade paper, and wastepaper products, shall be placed in recycling receptacles or taken to the collection facility provided by the town. No waxed paper products shall be placed in any recycling receptacle or in the collection facility provided by the town.  **(6) Oil.** The town shall designate a collection facility location as a collection point for used oil. No person shall dispose of oil except to a used oil collection site designated by the town or by means of a licensed commercial hauler.  **(7) Oil filters.** After a used oil filter has been completely drained of oil, the filter may then be placed with garbage for disposal. Oil drained from said filters shall be disposed of in the manner outlined in § 51.07(F) above.  **(8) Plastic beverage containers.** Plastic beverage containers as defined in § 51.02 shall be recycled. Such beverage containers should be rinsed prior to placement in receptacles. All tops, caps, and lids should be removed and placed with non-recyclable materials.  **(9) Tires.** The town will not pick up and/or dispose of any used tires. The occupier of land shall dispose of used tires in accordance with the Wayne County Solid Waste and Recycling Ordinance.  **(10) White goods.** Appliances shall be disposed of in accordance with § 50.12(B) or taken to a designated collection facility.  (B) Nonrecyclable materials shall be prepared for collection as stated in the town's Garbage and Rubbish Ordinance. Nonrecyclable materials shall not be placed with any recyclable materials. (Ord. passed 9-12-91) Penalty, see § 51.99  **§ 51.99 PENALTY.**  (A) Violators of the town's recycling requirements will be issued a maximum of two written warnings per calendar year. After these two written warnings, each additional violation of this ordinance in the same calendar year shall subject the offender to a civil penalty in the amount of $25 to be recovered by the town. This $25 civil penalty will be added to the offender's monthly utility bill. |
| **12** |
| **CHAPTER 51: RECYCLING** |
| (B) Each such prohibited collection in violation hereof from one or more residences shall constitute a separate and distinct offense. Each day's continuing violation shall be a separate and distinct offense.  (C) Above, this chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction. The town may also petition the General Court of Justice of the county seeking injunctive relief, or other relief as deemed appropriate, to require compliance with this chapter. Cost of such actions shall be assessed against the individual who is failing to comply with this chapter.  (Ord. passed 9-12-91) (Ord. revised 2-20-18) |
| **13** |
| **CHAPTER 52: TOWN UTILITIES** |
| **Section**  ***General Provisions***  52.01 Electrical, water, or sewer account  52.02 Rates and connection charges  ***Electric System***  52.15 Board to regulate  52.16 Permit required  52.17 Work on electrical system  52.18 Tampering with lines  ***Deposits***  52.30 Residential, commercial, or industrial customers  52.31 Refund policy  52.32 Exemptions  52.33 Final disposition  52.34 Voluntary discontinuance of service  52.35 Involuntary discontinuance of service  52.36 Payment option for services  52.37 Postmarks on payments  52.38 Payment by voucher granted to certain customers  52.39 Schedule of utility deposits  ***GENERAL PROVISIONS***  **§ 52.01 ELECTRICAL, WATER, OR SEWER ACCOUNT.**  (A) The applicant for electrical, water, or sewer services within the town's service area will be liable for the payment of all such services furnished.  (B) Upon failure of the customer to pay the amount charged for electrical, water, or sewer services within the time set forth on billing, such services may be discontinued without prejudice to the right of the town to recover for the services rendered before discontinuance. Services will not be restored until the account is paid.  (Ord. passed 8-17-89)  **§ 52.02 RATES AND CONNECTION CHARGES.**  Electrical, water, or sewer rates and connection charges shall be determined from time to time by the Board of Aldermen which shall be kept on file in the office of the Town Clerk.  (Ord. passed 8-17-89) |
| **14** |
| **CHAPTER 52: TOWN UTILITIES** |
| ***ELECTRIC SYSTEM***  **§ 52.15 BOARD TO REGULATE.**  The Board of Aldermen shall have complete control and prescribe all rules and regulations for the operation of the town's electric power system. The Board may elect some qualified person to supervise the electric power system, set his compensation, and prescribe his duties.  (Ord. passed 8-17-89)  **§ 52.16 PERMIT REQUIRED.**  No person, firm, or corporation shall connect with the electrical system in the town until they have obtained permission from the town to so connect and paid appropriate fees to the Town Clerk.  (Ord. passed 8-17-89)  **§ 52.17 WORK ON ELECTRICAL SYSTEM.**  All work on the electrical system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives or electricians approved by the town. All work shall be performed in accordance with the electrical code of the town and the amendments thereto that the Board of Aldermen may from time to time adopt.  (Ord. passed 8-17-89)  **§ 52.18 TAMPERING WITH LINES OR METERS.**  No person shall tamper, harm, or in any manner manipulate the electrical lines or meters. Persons violating this section shall be subject to the penalties set forth in §52.35 (G). (Ord. revised 3-19-19)  ***DEPOSITS***  **§ 52.30 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL CUSTOMERS.**  (A) Applicants for new electrical, water, or sewer services or reestablishment of such services shall be required to complete an application form provided by the Town Clerk, and to make a deposit guaranteeing payment of charges for services. The amount of the deposit shall be determined from time to time by the Board of Aldermen and the schedule shall be kept on file in the office of the Town Clerk.  (Ord. Revised 5-21-19)  **§ 52.31 REFUND POLICY.**  Deposits of customers will be retained by the town until services are terminated and applied to the final bill. (Ord. revised 5-21-19) |
| **15** |
| **CHAPTER 52: TOWN UTILITIES** |
| **§ 52.32 EXEMPTIONS.**  Churches, colleges, public schools, hospitals, and local, state, or federal agencies shall be exempt from furnishing deposits for electrical, water, and sewer services.  (Ord. passed 8-17-89)  **§ 52.33 FINAL DISPOSITION.**  For customers whose deposit for electrical, water, or sewer services, have not been refunded and whose services have been terminated, the deposit shall be applied to any unpaid charges or indebtedness to the town and any balance refunded.  (Ord. passed 8-17-89)  **§ 52.34 VOLUNTARY DISCONTINUANCE OF SERVICE.**  Customers desiring to discontinue electrical, water, or sewer services shall give notice to the town at least 24 hours prior to the discontinuance and the customer will be responsible for all service consumed until the time of disconnection.  (Ord. passed 8-17-89)  **§ 52.35 INVOLUNTARY DISCONTINUANCE OF SERVICE.**  (A) The town will discontinue electrical, water, and sewer services for any one of the following reasons:  (1) If payment for electrical, water, and sewer services is not received at the Town Clerk's office by the 20th of the billing month, a $10 minimum or 10% of the bill for all utility services, whichever is larger, will be charged as a late payment fee. If payment has not been received by 1:00 p.m. on the 25th of the billing month, all utilities will be disconnected at the convenience of the town. A $25 disconnect fee and a $25 reconnect fee will be charged to the bill and must be paid prior to reinstatement of electrical, water, or sewer services; or (Ord. revised 5-21-19)  (2) Failure to make a required deposit guaranteeing payment of charges for electrical, water, or sewer services or failure to increase a deposit when required by these rules; or  (3) Refusal of access to premises; or  (4) Damage to or loss of town property for which the customer is responsible; or  (5) A check submitted for payment that is returned for “non-sufficient” funds or “account closed” will result in discontinued electric, water, or sewer services at the convenience of the town. To reconnect the electric, water, or sewer services a $35 bad check fee plus a $25 disconnect and $25 reconnect fee in addition to applicable late fees and deposit must be paid; or upon two checks being returned for “non-sufficient” funds or “account closed” within the prior 24 months, the town will no longer accept a check for payment on all future bills for electrical, water, and sewer services. (Ord. revised 5-21-19) |
| **16** |
| **CHAPTER 52: TOWN UTILITIES** |
| (B) (Deleted) (Ord. revised 3-19-19)  (C) When the town discontinues electric, water, or sewer services, service will be reinstated only after all bills for prior electrical, water, and sewer services due are paid in full and applicable deposit, fees, and penalties have been paid.  (D) If a customer is receiving service at more than one location, service at any or all locations may be discontinued if charges for services at any one or more locations are not paid within the time specified by these rules.  (E) It is the policy of the town to discontinue electric, water, and sewer services only after an opportunity to be heard have been given on disputed bills. All bills shall contain in clearly visible and easily readable provisions:  (1) The title; Town of Fremont; (Ord. revised 3-19-19)  (2) That all bills are due and payable upon receipt;  (3) That if any bill is not paid on or before 25 days have passed in the month, or the next business day if the 25th is on a weekend, holiday or Friday, electrical, water, and sewer services will be discontinued for nonpayment. (Ord. revised 3-19-19)  (4) That any customer disputing the correctness of a charge for electrical, water, or sewer services shall have a right to a hearing at which time he may be represented in person or counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the Town Administrator who shall be authorized to order that the customer's service not be disconnected and have authority to make a final determination of the customer's complaint. All disputed bills must be presented at the town hall by the 20th of the month. (Ord. revised 3-19-19)  (F) Requests for delays or waiver of payment will not be accepted; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or a resort to the hearing procedure provided herein, service will be discontinued at the time specified.  (G) Electric or water meter tampering, altering, or adjustments are unlawful, shall result in immediate termination of service and will result in a charge and other enforcement actions as hereinafter set  out. The customer shall be assessed a fine of $500 for the first offense. The customer shall also be billed and be responsible for all costs incurred by the Town in repairing any damage caused to the meter or equipment by the customer as well as any usage fees. All fines and charges assessed as well as a reconnection fee must be paid in full prior to reconnection of the utility. A second offense shall subject the offender to criminal penalties as set forth in the North Carolina General statues as well as the civil costs and penalties set forth herein. (Ord. revised 3-19-19)  (H) A customer may have a late payment fee waived if the customer has lived in town 24 months with only one prior late payment.  (Ord. passed 8-17-89; Am. Motion passed 4-18-95) (Ord. revised 3-19-19) |
| **17** |
| **CHAPTER 52: TOWN UTILITIES** |
| **§ 52.36 PAYMENT OPTION FOR SERVICES.**  (A) The town will provide budget billing for payment of electrical, water, and sewer services to a residential household if the following conditions are met: (Ord. revised 3-19-19)  (1) A customer must have an account with the town for a period of one year prior to becoming eligible. The account in question may not have more than one late payment during the prior 12-month cycle.  (2) The person responsible for the account agrees to 11 equal monthly payments to the town based upon an average estimated monthly bill determined from charges incurred over the previous 12 months. The twelfth payment shall be a balance paid in full or a credit provided by the town for the difference of the prior 12 months of actual expenditures for electrical, water, or sewer services compared with the amount paid by such individual during the prior 11 months of equal payment.  (a) The 11 months of equal payment shall begin with the first billing period after acceptance of the application. The twelfth month shall be used to settle the account.  (B) To qualify for this payment option, the person responsible for the account must make application with the Town Clerk at the town hall during regular business hours. The Town Administrator is authorized to approve applications which comply with the above requirements.  (Ord. passed 8-17-89; Am. Ord. passed 8-23-94)  **§ 52.37 POSTMARKS ON PAYMENTS.**  Payments on utility bills through the mail will be accepted that are postmarked no later than the 20th of the month. Envelopes so postmarked that arrive after the due date must be retained for auditing purposes. Those customers with acceptable postmarks will not be accessed any late charges.  (Motion passed 10-12-89) (Ord. revised 5-21-19)  **§ 52.38 PAYMENT BY VOUCHER GRANTED TO CERTAIN CUSTOMERS.**  Payment of a bill by a voucher from approved ministries, departments, or others will be acceptable.  (Ord. passed 1-16-90) (Ord. revised 3-19-19)  **§ 52.39 SCHEDULE OF UTILITY DEPOSITS.**  A model of the Schedule of Utility Deposits is  available for public inspection during the normal hours of the Town Clerk's office.  (Ord. passed 7-20-93) |
| **18** |
| **CHAPTER 52: TOWN UTILITIES** |
|  |
| **19** |
| **CHAPTER 53: WATER AND SEWERS** |
| **Section**  ***General Provisions***  53.001 Permit required  53.002 Permit revocation  53.003 Water and sewer charges  53.004 Connection required inside town  53.005 Conflicting provisions  53.006 Sewer taps  ***Water Use Regulations***  53.010 Application required  53.011 Misrepresentations in application  53.012 Contents of application  53.013 Director to cause pipe laying  53.014 Installation within town  53.015 Installation outside of town  53.016 Installation in satellite limits  53.017 Approval before concealing  53.018 New service to be metered  53.019 Testing meters  53.020 Determining meter size  53.021 Inspection to ascertain waste  53.022 Leaving faucets open  53.023 Tampering with meters  53.024 Fire hydrants  ***Contributors into Wastewater Collection and Treatment System***  53.045 Provisions adopted by reference  ***Statutory reference:***  *Authority to operate public enterprises, see G.S. § 160A-311 et seq.*  *Authority to enter into mutual aid contracts, see G.S. § 160A-318*  *Authority to enter into Water and Sewer authorities, see G.S. § 162A-1 et seq.*  ***GENERAL PROVISIONS***  **§ 53.001 PERMIT REQUIRED.**  No person shall connect with the sewer or water system of the town until he shall have made application for and received permission to connect as provided herein.  ('85 Code, § 50.01) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-19-19) |
| **20** |
| **CHAPTER 53: WATER AND SEWERS** |
| **§ 53.002 PERMIT REVOCATION.**  All permits to connect to the public sewer and water systems shall be given upon the condition that the Director of Public Works may, at any time before the completion of the connection, revoke and annul the permit when the work is not being properly executed. No party interested shall have a claim for damage in consequence of the permit being revoked or annulled.  ('85 Code, § 50.02) (Ord. passed 12-3-81)  **§ 53.003 WATER AND SEWER CHARGES.**  Sewer and water rates and connection charges shall be determined from time to time by the Board of Aldermen and the schedule shall be kept on file in the office of the Town Clerk.  ('85 Code, § 50.03) (Ord. passed 12-3-81)  ***Statutory reference:***  *Authority to fix rates, see G.S. § 160A-314*  **§ 53.004 CONNECTION REQUIRED INSIDE TOWN.**  Every person owning a house, apartment house, storehouse, restaurant, or any building used for sleeping quarters or any building where any persons are employed, which building abuts or adjoins a street or alley along which there is a public sewer, shall, within 30 days from the date of legal notice served by the town Building Inspector or other authorized deputy, have sewer and water connections made to the building as described herein, provided the sewer and water main is within 200 feet from the nearest point of building. All the connections must be made according to the requirements of this chapter.  ('85 Code, § 50.04) (Ord. passed 12-3-81)  **§ 53.005 CONFLICTING PROVISIONS.**  When the requirements of this chapter conflict with the requirements of other lawfully adopted rules, regulations, or ordinances of the town, the more stringent or higher requirements shall govern.  ('85 Code, § 50.05) (Ord. passed 12-3-81)  **§ 53.006 SEWER TAPS.**  (A) The customer is responsible for purchasing a tap from the town prior to receiving sewer service. If it is determined that a tap needs replacing, the town will replace the tap at no cost to the customer. The customer shall remain responsible for keeping the sewer line and tap operational by cleaning out the sewer line all the way to the sewer main with an approved device when needed.  (B) If the town is requested to replace a tap and it is found to be operational, the customer shall be responsible for any expense incurred.  (C) ***SEWER TAP.*** The line that connects the sewer main to the customer's sewer lines at the property boundary.  (Ord. 5-96, passed 12-19-96) |
| **21** |
| **CHAPTER 53: WATER AND SEWERS** |
| ***WATER USE REGULATIONS***  **§ 53.010 APPLICATION REQUIRED.**  No person or persons shall make connection with the waterworks system of the town except by application as provided by this subchapter.  ('85 Code, § 50.10) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-19-19)  **§ 53.011 MISREPRESENTATIONS IN APPLICATION.**  It shall be unlawful for any person to make misrepresentations in his written applications to make connection with the water system regarding the uses to which they intend to put the water; or to use the water for any purpose other than that mentioned in the application without notifying the Director of Public Works thereof; or to use the water without permission, or to cause willful or needless waste of water by allowing constant flow at faucet or otherwise, or to allow the occupant of any building not paying water rates to use water from the premises; and in case of violation of any provision of this section, in addition to any other penalties provided, the offender shall be liable to have his supply of water shut off by the town without notice. If shall be unlawful for any person to tap any main or distributing pipes of the water system of the town or to make any connection therewith without first having obtained from the Town Clerk a permit for the same as herein provided.  ('85 Code, § 50.11) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-19-19)  **§ 53.012 CONTENTS OF APPLICATION.**  All applications for a permit to make connections with the water system shall be made at the office of the Town Clerk in writing and upon blanks to be furnished by the town. The application shall fully describe the locality where the connection is desired and shall contain a correct statement of the various uses to which the water is to be applied. At the time the application is made, tap fees shall be paid. Taps larger than two inches will be made at prices quoted by the Director of Public Works for each case and must be paid in advance. In addition to tap fees, the applicant shall also pay in advance for all paving that must be disturbed and at the regular prices charged by the town for the paving replacements.  ('85 Code, § 50.12) (Ord. passed 12-3-81) (Ord. revised 3-19-19)  **§ 53.013 DIRECTOR TO CAUSE PIPE LAYING.**  The Director of Public Works shall cause suitable service pipes to be laid from the water main to and including the curb cock, which shall be located between the curb line and the sidewalk line, and be provided with a suitable service box or meter box. The work of furnishing and laying the pipe up to and including the curb cock shall be done by the town. The applicant shall furnish and lay the balance of the service pipe at his own expense, subject, however, to the supervision and direction of the Director. The pipes laid by the applicant shall be laid to the depth of the bottom of the water main, unless otherwise permitted by the Director and shall, when required by the town, be covered with some approved material to protect the pipe from frost. All service pipes shall be of copper or galvanized iron pipe and shall be provided with the stop and waste cocks as shall be designated by the Director. If any person, in putting in any service connections, disregards the direction of the Inspector in any particular, the permit granted for the use of water may be revoked by the town and the tap fee forfeited.  ('85 Code, § 50.13) (Ord. passed 12-3-81) |
| **22** |
| **CHAPTER 53: WATER AND SEWERS** |
| **§ 53.014 INSTALLATION WITHIN TOWN.**  (A) The town will install water mains within the town limits under the following plan: Upon written request of the owner or owners of property located within the corporate limits on December 30, 1977, for which no appropriation has heretofore been made for the installation of water mains, the town will install water mains under its own supervision, the town determining the size, the depth, and the desirable location of the mains. Moneys required for the installation of water mains within the town will be derived from water revenue or any subsequent bond issues for which funds for amortization of the bonds is derived from water revenue.  (B) The above policy does not apply to properties located in the town limits on or before December 30, 1977, which have never been subdivided. Water mains will be installed on the property as set out in division (C) below.  (C) Upon approval of a plat by the Board of Aldermen, water mains will be installed on any subdivided property provided the subdivider pays the cost of materials consisting of six-inch pipe, valves, and fire hydrants for service water mains, and provided that the payment be made in advance to the town. The town will then install water mains, size as needed, but in no case will the town install a water main of less than six inches in diameter. The installation of water mains within the town limits will be considered as requests are made and installation will be made as funds are available.  ('85 Code, § 50.14) (Ord. passed 12-3-81)  **§ 53.015 INSTALLATION OUTSIDE OF TOWN.**  (A) The town will allow property owners outside the town limits to connect to water mains of the town provided:  (1) That the property owner shall install the mains under the expressed direction and supervision of the town and shall install the size and type of water main that is recommended by the town.  (2) That a subdivision plat of the property has been approved by the Board of Aldermen.  (B) The town will have full control and authority over taps, connections, and water usage of all mains connected to the water system of the town.  (C) The person installing water mains outside the town, but under this policy, may require that anyone connecting to the main for the purpose of water service or for the purpose of extensions of the main pay a fee for the connection to the main. However, any person or person installing water mains outside the town but under this policy, may not charge for a connection made to properties owned by them at the time of the installation. The fees shall not be more than 125% of the cost per foot of the original installation. A statement of cost will be filed with the Water Department upon completion of all mains.  (D) All water mains installed outside the town limits shall be installed on dedicated streets and shall become the property of the town upon annexation of the area into the town.  ('85 Code, § 50.15) (Ord. passed 12-3-81)  **§ 53.016 INSTALLATION IN SATELLITE LIMITS.**  Property owners within satellite corporate limits who have not waived their rights to town services shall comply with the following requirements, in addition to other applicable requirements of this chapter, to obtain town water services: |
| **23** |

|  |
| --- |
| **CHAPTER 53: WATER AND SEWERS** |
| (A) That the installation of all water mains is made under the expressed approval, supervision, and direction of the town. Property owner(s) of the satellite corporate limits area shall be 85% responsible for all costs of water main installation and related necessary improvements to serve such satellite corporate limits area. The estimated cost to the property owner(s) for installation of water mains shall be deposited with the town prior to the town starting construction of the water mains. Cost to include, but not limited to, the following: engineering, labor, and materials;  (B) All taps shall be made in accordance with town requirements; and  (C) All water mains installed to serve satellite corporate limits shall be installed within dedicated street or highway rights-of-way and all such water mains shall become the property of the town.  (Motion passed 4-14-92)  **§ 53.017 APPROVAL BEFORE CONCEALING.**  Every connection shall be examined, inspected, and approved in writing by the Town Director of Public Works before any part of the house or other connection is covered or hidden from view.  ('85 Code, § 50.16) (Ord. passed 12-3-81) (Ord. revised 3-19-19)  **§ 53.018 NEW SERVICE TO BE METERED.**  (A) All new water connections shall be metered and the town reserves the right to place a meter on any service now in use without application from the consumer where the action may be deemed necessary to prevent waste or to protect the interest of the Water Department. Consumers or property owners where meters are located within the building must not cover the meters or place obstructions that may prevent convenient access to the meter at any time by the employees of the Department for the purpose of reading or making repairs.  (B) Connections shall be made on the street side of any meter when made for the purpose of supplying water to any building other than the one for which the service is intended. Any additional services shall be metered and shall be considered as separate services and shall be subject to regulations governing services, including service charge.  (C) The service charges outlined in § 53.003 cover interest and depreciation of the service meter. The meter will be read and repaired by the Department as often as may be necessary and no additional charge will be made for the service.  ('85 Code, § 50.17) (Ord. passed 12-3-81)  **§ 53.019 TESTING METERS.**  The Water Department will on written request of the property owner test the meter, provided:  (A) The owner or occupant shall not be charged if the meter test reads more than 100% of the measured flow;  (B) The owner or occupant shall pay the testing fee if the meter test reads 100% or less of the measured flow; (Ord. revised 3-19-19) |
| **24** |

|  |
| --- |
| **CHAPTER 53: WATER AND SEWERS** |
| (C) The Department shall calculate the overcharge and make the proper refund on the account bill when a meter test indicates more than 100% of the measured flow;  (D) When a testing charge is imposed, the charge will become a part of the current water bill.  ('85 Code, § 50.18) (Ord. passed 12-3-81)  **§ 53.020 DETERMINING METER SIZE.**  The town reserves the right to determine the size of the meter required for any service.  ('85 Code, § 50.19) (Ord. passed 12-3-81)  **§ 53.021 INSPECTION TO ASCERTAIN WASTE.**  It shall be unlawful for any owner or occupant of any building in which water is used from the water system to refuse to the officers or duly authorized employees of the town admission to all parts of the building and the premises in which the same is situated, whenever and wherever it shall be necessary to have water pipes and fixtures inspected to ascertain whether there is any waste of water, or for the purpose of installing, repairing, or testing any meters used in connection with the waterworks.  ('85 Code, § 50.20) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-19-19)  **§ 53.022 LEAVING FAUCETS OPEN.**  It shall be unlawful for any person to leave open any faucets or hydrants so as to allow water to be discharged through same, except for the purpose of legitimate use, or to knowingly permit any water pipes upon his premises to remain in a condition where the same shall leak. It shall be the duty of the Director of Public Works to turn off and refuse water to the person violating any of the provisions of this section until the time as the person shall pay to the town the amount for the unlawful waste of water as the Superintendent shall, after investigation, estimate the amount to be.  ('85 Code, § 50.21) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-9-19)  **§ 53.023 TAMPERING WITH METERS.**  Without written permission of the Director of Public Works, it shall be unlawful for any person not employed by the town to bore any pipe, open any meter box, tamper with any meter, open any fire hydrant or stop cock, or interfere in any part of the system of waterworks under penalty of this chapter and in addition to the penalty, any damage caused by the unlawful interference with the waterworks may be collected from the offender.  ('85 Code, § 50.22) (Ord. passed 12-3-81) Penalty, see § 10.99 (Ord. revised 3-9-19)  **§ 53.024 FIRE HYDRANTS.**  Water usage from hydrants located between the town limits and the point source of the town's water supply shall be limited to fire department emergencies only, unless otherwise approved by the Town Administrator.  (Motion passed 2-12-87) |
| **25** |
| **CHAPTER 53: WATER AND SEWERS** |
| ***CONTRIBUTORS INTO WASTEWATER CORRECTION AND TREATMENT SYSTEM***  **§ 53.045 ADOPTED BY REFERENCE.**  Uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town are hereby adopted by reference as if set out in their entirety.  (Ord. passed - -94) |
| **26** |

|  |
| --- |
| **CHAPTER 54: STORM DRAINAGE FACILITIES** |
| **Section**  54.01 Definition  54.02 Enforcement and administration  54.03 Depositing substances in system  54.04 Obstructions  54.05 Permits  54.06 Right of entry  54.07 Notice to remedy conditions  54.08 Assessment of costs  54.09 Use of public funds  54.10 Acceptance by the town    **§ 54.01 DEFINITION.**  For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.  ***STORM DRAINAGE SYSTEM.*** Catch basins, pipes, drains, culverts, open ditches, creeks, and rivers which carry surface water and uncontaminated water away from areas of the town; such system shall include all items hereinbefore referred to whether on public or private property and shall include public or private storm sewer systems. Provided, however, that nothing herein shall be construed to make any such item or facility a part of the municipal storm drainage system unless or until the same complies fully with the code provisions and any other ordinances applicable thereto and thereafter accepted by the town for regular maintenance; and provided further that nothing herein shall be construed to impose any obligation, liability, or responsibility on the part of the town relative to any such item or facility except as provided by the town code relative to those items or facilities which have been accepted by the town for regular maintenance.  (Ord. passed 8-16-90) (Ord. revised 3-9-19)  **§ 54.02 ENFORCEMENT AND ADMINISTRATION.**  The Town Administrator or his designated representative is hereby authorized to enforce and administer the provisions of this division and other ordinances of the town in connection with storm sewers, unless otherwise provided.  (Ord. passed 8-16-90)  **§ 54.03 DEPOSITING SUBSTANCES IN SYSTEM.**  It shall be unlawful for any person to empty or deposit in the storm system, directly or indirectly, any substance, liquid or solid, which by reason of its nature:  (A) Is or may become a public health hazard endangering human or animal health.  (B) May create a nuisance, including substances which are unsightly or malodorous or may become so.  (C) May interfere with free and rapid flow of surface water. |
| **27** |
| **CHAPTER 54: STORM DRAINAGE FACILITIES** |
| (D) Is inflammable or explosive.  (E) May be toxic to plant and animal life.  (F) May be corrosive or in any other way damage or render unsightly the storm sewer system.  (G) Affect adversely in any manner the classification of the stream into which the storm sewer system discharges, as set by the state stream sanitation committee of the state department of water resources.  (Ord. passed 8-16-90) Penalty, see § 10.99  **§ 54.04 OBSTRUCTIONS.**  (A) It shall be unlawful for any person to place any obstruction in any culvert, drain, or public or private storm sewer system. Each day such obstruction shall be permitted to remain shall constitute a separate and distinct offense.  (B) It shall be unlawful for any person to install or maintain any pipes, box, culvert, duct, ditch, or any other instrument, equipment, system, or device in such way, manner, or condition as to impair, obstruct, impede, block, or hinder the free flow of surface water from streets of the town or along the town-maintained drainage system, regardless of where located.  (Ord. passed 8-16-90) Penalty, see § 10.99  **§ 54.05 PERMITS.**  (A) No person shall construct, repair, or alter any pipe line, box, culvert, or other device or drainage system for the purpose of draining water from any land or premises, either to or from any street or sidewalk in the town, unless he shall first have obtained therefore a permit from the Town Administrator.  (B) Construction, alteration, or repair for which a permit is required, together with the materials used in connection therewith, shall be made in accordance with specifications prescribed by the Town Administrator.  (C) The Town Administrator may deny such permit when, in his opinion, the same is detrimental to the public interest; the Town Administrator is further authorized to condition the issuance of any such permit upon applicant's providing, at his own expense and with the permission of any property owners involved, suitable outlets for any anticipated surface waters downstream or downhill from the land or premises of the applicant; provided, however, that any applicant can appeal directly to the Board of Aldermen from any decision made under this section by the Town Administrator.  (D) Nothing in this section shall be construed to render the town liable to any person or property owner for injury or damage which may be occasioned by reason of surface water whether flowing within or without of the storm drainage system.  (Ord. passed 8-16-90) Penalty, see § 10.99 |
| **28** |

|  |
| --- |
| **CHAPTER 54: STORM DRAINAGE FACILITIES** |
| **§ 54.06 RIGHT OF ENTRY.**  To provide for more efficient supervision over the condition of the streets and sidewalks and so that causes contributing to making streets and sidewalks unsafe for use may be removed and corrected without delay, the Town Administrator or his designee is authorized and empowered to go on private property for the purpose of inspecting drains, pipes, ducts, and other systems or devices employed to drain surface water.  (Ord. passed 8-16-90)  **§ 54.07 NOTICE TO REMEDY CONDITIONS.**  If the Town Administrator finds any storm sewer systems, such as drains, culverts, ducts, or other drainage systems, so constructed, arranged, clogged, or in such disrepair as to impede, obstruct, or hinder the free flow of surface water from any of the streets or sidewalks of the town, he shall notify the owner of the premises on which the condition exists to remedy same at once so that obstruction shall be removed and the condition corrected. On the receipt of the notice it shall be the duty of the landowner in question immediately the subject of the notice to be corrected.  (Ord. passed 8-16-90) Penalty, see § 10.99  **§ 54.08 ASSESSMENT OF COSTS.**  The full costs of storm drains and associated facilities constructed or ordered to be constructed by town officials shall be specially assessed to the abutting property owners on a pro rata footage basis, except as follows:  (A) When storm drain facilities are included as an integral part of a street improvement project, the costs shall be specially assessed as a part of and on the same basis as the remainder of the street improvements provided for in the project and constructed under the provisions set forth by the Town Administrator and approved by the Board of Aldermen.  (B) When existing storm drain facilities shall be replaced with larger size facilities due to increased storm water flow collected on and carried along town-owned streets and/or drain lines, the town shall pay the full cost thereof subject to the provisions of § 54.10.  (C) When a diversion or change in a natural drainage course is approved by the Board of Aldermen and results in a need for storm drainage improvements across private property, the town may, if approved by the Board of Aldermen, share in the payment of the costs with the party or parties requesting or causing the diversion or change in the storm water flow. The amount of the town's participation shall be individually determined in each instance. In such instances the provisions of § 54.10 need not apply; except, that if it is intended that the town shall assume maintenance responsibility for the completed facility, the provisions of § 54.10 shall apply.  (D) When requested by the abutting property owner, the town, subject to the provisions of § 54.10, may share in the cost of driveway culvert installation. In such cases, the property owner shall purchase the pipe and materials required for the installation. The materials purchased must be approved by the Town Administrator and the pipe shall not be less than 15 inches in diameter. If these conditions are met, the town shall install the pipe.  (Ord. passed 8-16-90) |
| **29** |
| **CHAPTER 54: STORM DRAINAGE FACILITIES** |
| **§ 54.09 USE OF PUBLIC FUNDS.**  Public funds shall not be used for the construction, alteration, replacement, repair, and/or maintenance of storm drain facilities except where such facilities are located on town-owned property or within town-owned easements or right-of-way.  (Ord. passed 8-16-90) Penalty, see § 10.99  **§ 54.10 ACCEPTANCE BY THE TOWN.**  Prior to acceptance of a storm drain by the town for maintenance, the following conditions shall be satisfied:  (A) The facility shall serve a public need.  (B) The design and construction of the facility shall have been approved by the Town Administrator.  (C) All construction costs thereof shall have been paid.  (D) If not located within a street right-of-way, a properly executed easement or right-of-way instrument shall have been delivered to and approved by the Town Attorney.  (Ord. passed 8-16-90) |
| **30** |