

## UTILITIES

### CHAPTER 1

#### GENERAL PROVISIONS

Section 17-101	Application for utility service.
Section 17-102	Separate service.
Section 17-103	Bills, when payable, delinquency, disconnection of service.
Section 17-104	Rights reserved to interrupt service.
Section 17-105	Damaging equipment.
Section 17-106	Interference with mains, fire hydrants.
Section 17-107	Tampering with meters unlawful.
Section 17-108	Procedure for governing board to set utility rates and charges.
Section 17-109	Utility fees and billings in general.

### CHAPTER 2

#### WATER SERVICE

Section 17-201	Application to make connection to water mains.
Section 17-202	Connections to be made in accordance with ordinance and law.
Section 17-203	Water deposit required.
Section 17-204	Contract for water service.
Section 17-205	Estimate of bill.
Section 17-206	Water shortages, declaration of emergency.
Section 17-207	Restriction on water use in emergency.
Section 17-208	Proclamation and notice of emergency.
Section 17-209	Grievances with water restrictions.
Section 17-210	Penalties.

### CHAPTER 3

#### SEWER SERVICES

Section 17-301	Conformance to rules and regulations.
Section 17-302	Definitions.
Section 17-303	Persons to comply with rules and regulations.
Section 17-304	Charge to be made for permit.
Section 17-305	Compliance with ordinances and laws.
Section 17-306	Sewer service charge levied.
Section 17-307	Procedures; required connection to sewer.

## CHAPTER 4

### REFUSE COLLECTION AND DISPOSAL

Section 17-401	Definitions.
Section 17-402	Accumulations of garbage and refuse.
Section 17-403	Collection of garbage and rubbish.
Section 17-404	Contract and disposal.
Section 17-405	Disposal.
Section 17-406	Inspections.
Section 17-407	Fees.
Section 17-408	Duty to request garbage service.
Section 17-409	Charges to be on water bill.
Section 17-410	Penalty.

## CHAPTER 5

### RATE SCHEDULE AND TAP FEES

Section 17-501	Water, Sewer, Garbage Rates. Tap Fees.
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## CHAPTER 1

### GENERAL PROVISIONS

Section 17-101	Application for utility service.
Section 17-102	Separate service.
Section 17-103	Bills, when payable, delinquency, disconnection of service.
Section 17-104	Rights reserved to interrupt service.
Section 17-105	Damaging equipment.
Section 17-106	Interference with mains, fire hydrants.
Section 17-107	Tampering with meters unlawful.
Section 17-108	Procedure for governing board to set utility rates and charges.
Section 17-109	Utility fees and billings in general.

#### SECTION 17-101 APPLICATION FOR UTILITY SERVICE

Every person, firm or corporation desiring to have his premises connected with any of the town's utilities, water, sewer, or trash collection, shall make application and sign a contract therefore upon a printed form to be furnished for that purpose, and shall pay the regular fees and deposits for installation of the service.

#### SECTION 17-102 SEPARATE SERVICE

Every separate agricultural, commercial, industrial, manufacturing or residentially zoned tract of real property shall have its own separate service connection with the mains or lines. Provided however, an agriculturally or residentially zoned single-family residence shall be allowed to be served by one (1) meter for the single-family residence, including attached garage as well as one (1) detached outbuilding. Any agriculturally or residentially zoned single-family residence served having two (2) or more detached outbuilding will be required to have a separate meter for the second detached outbuilding and for each additional outbuilding thereon. Except as provided for above, every separate agricultural, commercial, industrial, manufacturing or residential tract of real property so supplied shall not be allowed to supply water to any other portion of separate tract without being located thereon a separate water meter.

#### SECTION 17-103 BILLS, WHEN PAYABLE, DELINQUENCY, DISCONNECTION OF SERVICE

A. Upon failure of any customer to pay any part of a utility bill for any utility services by the due date on the bill, the following actions and penalties may result:

1. A ten percent (10%) penalty of all amount owing on a utility bill is added to any utility bill which is not paid by the due date of the bill; and

2. If the bill remains unpaid as of ten (10) days after the due date on the bill then the following actions may result:

a. The authorized agents of the town may disconnect or discontinue any or all utility services to the customer after mailing written notice to the customer of the intent of the town to disconnect or discontinue any or all of the utility services:

b. The authorized agents of the town, upon direction of the town board of trustees, may discontinue to furnish water to any customer refusing or neglecting to pay all or any part of a utility bill submitted after mailing written notice to the customer of the intent of the town to disconnect the water service.

c. If any utility service is discontinued or disconnected pursuant to this section, the town, or its agents shall not reconnect or reestablish the service until the full amount of any outstanding utility service bill is paid plus the penalty provided in this section plus any applicable charges or expenses in reconnecting or reestablishing the service.

B. If town personnel goes to the premises to shut off the service and the occupant pays the town personnel prior to his shutting off the service, there shall be added to the bill a sum for the trip made by the town personnel to shut off such services. All bills, penalties and fees collected as herein above specified shall be paid over to the town clerk. Nothing herein shall be construed as preventing the town from instituting suit for the recovery of any delinquent accounts.

C. The town clerk may not accept payment of a water bill without payment of the sewer service charge, nor shall the clerk accept payment of a sewer bill without payment of the water bill. The failure to pay any utility bill in accordance with Subsections A and B of this section shall be grounds for discontinuing any or all of the utility services furnished to the customer whose bill is delinquent.

SECTION 17-104 RIGHTS RESERVED TO INTERRUPT SERVICE.

The town reserves the right to shut off the supply of water without notice, for repairs, extensions, non-payment of rates, or for any other reason, and no liability shall attach there from.

SECTION 17-105 DAMAGING EQUIPMENT.

It is unlawful and an offense for any person to destroy or injure any water pipe, hydrant, faucet, pole, water meter or electronic metering equipment, or other sewer or water equipment erected or placed by or belonging to the Town.

If any person destroys, injures or tampers with any metering equipment, water meters, water pipe, hydrant, faucet, pole, or other sewer or water equipment erected or placed by or belonging to the town, this person shall be liable for the expenses incurred as a result of the damage.

(Amended 3/5/2015)

SECTION 17-106 INTERFERENCE WITH MAINS, FIRE HYDRANTS.

It is unlawful and an offense for any person to disturb, interfere with, open, operate, close, turn on, turn off, attach any pipe or hose to, or connect anything with any fire hydrant, or stop any valve or stop cock belonging to the town. However, this section shall not apply to any member of the fire department when in the lawful discharge of his duties as such or to any person endeavoring to prevent or put out any fire in any lawful manner.

SECTION 17-107 TAMPERING WITH METERS UNLAWFUL.

The tampering with water meters or meter boxes of the town, or the placing of any bypass connection or around the meters, or the use of any other device tending to interfere with the proper registration of same is unlawful.

SECTION 17-108 PROCEDURE FOR GOVERNING BOARD TO SET UTILITY RATE AND CHARGES.

The board of trustees of the town shall establish future rates charges, deposits, and fees for utility services by ordinance, motion or resolution, as the case may be. A copy of the current rates and charges shall be available in the town clerk's office.

SECTION 17-109 UTILITY FEES AND BILLINGS IN GENERAL.

All fees and charges in connection with any customer's use of the town's sanitary sewer system, the town's water facility system, or the operation of the town's collection and disposal of refuse and garbage are billed in accordance with applicable rates set as provided in Section 17-108 of this code. All fees and charges owing for any of these utility services shall be billed on one monthly bill to the customer each month.

## CHAPTER 2

### WATER SERVICE

Section 17-201	Application to make connection to water mains.
Section 17-202	Connections to be made in accordance with ordinance and law.
Section 17-203	Water deposit required.
Section 17-204	Contract for water service.
Section 17-205	Estimate of bill.
Section 17-206	Water shortages, declaration of emergency.
Section 17-207	Restriction on water use in emergency.
Section 17-208	Proclamation and notice of emergency.
Section 17-209	Grievances with water restrictions.
Section 17-210	Penalties.

SECTION 17-201      APPLICATION TO MAKE CONNECTION TO WATER MAINS.

Any person desiring to make a connection to a water main of the town is required to file a written application with the town clerk of the town to make the connection.

SECTION 17-202      CONNECTIONS TO BE MADE IN ACCORDANCE WITH ORDINANCE AND LAW.

Any person, firm or corporation who connects to the water mains of the town in violation of this chapter or other ordinances of the town or the laws of the state will be denied further water service until such ordinances and laws are complied with.

SECTION 17-203      WATER DEPOSIT REQUIRED.

Any person who desires to use water shall put up with the town clerk as a meter deposit the amount which is established. The board of trustees may establish classifications of customers, such as residences, mobile homes, and various types of businesses, for different deposit requirements.

SECTION 17-204      CONTRACT FOR WATER SERVICE.

The application for water service shall contain a contract on the part of the person making the application:

1. To pay for the water consumed at the rate prescribed by ordinance at the time the water is consumed;

2. To recognize the right of the town to change the rate by ordinance at any time.

3. To recognize the right of the town temporarily to discontinue water service at any time without notice to the consumer, to install, repair or remove a water meter or for any other proper cause;

4. Stating that the contract is subject to all the ordinances in effect at the time of making the contract and which may be passed and go into effect thereafter;

5. Stating that the town shall not be responsible for any damage by water or other cause resulting from defective plumbing or appliances, and that the fact that an agent of the town has inspected plumbing or appliances shall not be pleaded as a basis for recovery in case of damage to the premises from defective plumbing or appliances installed by the owner or occupant of such premises;

6. Providing that the town shall not be liable for damages resulting from the interruption or failure of the supply of water, regardless of the cause thereof; and that such failure for any reasonable period of time shall not be held to constitute a breach of contract on the part of the town nor relieve the consumer from performing the obligations of his contract; and

7. Providing that the water deposit, or so much thereof as may be necessary, may be retained by the town and applied by the town on any unpaid water bill of the consumer; and providing further that unless the water deposit is claimed by the consumer within six (6) months after the consumer ceases to use the water or within six (6) months after the water is turned off for any cause by the town, then the consumer forfeits all right, title or interest in and to the water deposit.

SECTION 17-205     ESTIMATE OF BILL.

In all cases where meters or meter boxes are lost, injured or broken by willful action or by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired at the expense of the owner or occupant. In case of nonpayment, the water shall be cut off and will not be turned on until such charges are paid. In the event of a meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made by the water superintendent of the average monthly consumption during the last three (3) months when the meter was in, good condition or from what he may consider to be the most reliable data at his command.

SECTION 17-206      WATER SHORTAGES, DECLARATION OF EMERGENCY.

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

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

SECTION 17-207      RESTRICTION ON WATER USE IN EMERGENCY.

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

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

2. Prohibit usages not essential to public health and safety. The order may be revised from, time to time as the mayor deems necessary.

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

SECTION 17-208      PROCLAMATION AND NOTICE OF EMERGENCY.

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



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

SECTION 17-209      GRIEVANCES WITH WATER RESTRICTIONS.

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

SECTION 17-210      PENALTIES.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the board shall be punishable as provided in Section 1-108 of this code.

## CHAPTER 3

### SEWER SERVICES

Section 17-301	Conformance to rules and regulations.
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Section 17-303	Persons to comply with rules and regulations.
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Section 17-305	Compliance with ordinances and laws.
Section 17-306	Sewer service charge levied.
Section 17-307	Procedures; required connection to sewer,

#### SECTION 17-301      CONFORMANCE TO RULES AND REGULATIONS.

All connections to the sewers of the town shall conform to the rules and regulations prescribed by the town.

#### SECTION 17-302      DEFINITIONS.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed in this section:

1. "Sanitary sewer" or "sewer" means and includes all sanitary sewer trunk lines, main lines, sub main lines, lateral lines and sewage treatment plants, and all sewer lines connected to the town's sewer lines or treatment plants whether owned by the town or not;

2. "Sanitary sewage" or "sewage" means the liquid waste which mayor may not contain solids, originating in the sanitary conveniences for personnel of a dwelling, business building, factory or institution; and

3. "User" of the sewer system means the person, firm or corporation having a contract for water service at a particular location, if the location has a sanitary sewer connection with the town's system, or in case there is no water contract on file then the person, firm or corporation which is charged with water bills for the location, or which pays the same, or in case a private water supply is used, then the proprietor of the location having the sewer connection.

SECTION 17-303     PERSONS TO COMPLY WITH RULES AND REGULATIONS.

No person, firm or corporation shall hereafter make any connection on any public sewer or any connection on any private sewer which in turn is connected with a public sewer, without complying with the rules and regulations herein set out. No person, firm or corporation shall connect more than one building to a single lateral leading to the public sewer system of the town.

SECTION 17-3014     CHARGE TO BE MADE FOR PERMIT.

A charge prescribed by Section 17-306 of this code for each connection made on the sanitary sewer system of the town regardless of whether the connection is made on what has heretofore been designated as a public sewer or a private sewer, is hereby levied for the right of the person, firm or corporation to make the connection to the sanitary sewer system of the town. It is hereby declared to be the duty of the town clerk of the town to make this collection for issuing a permit to the applicant.

SECTION 17-305     COMPLIANCE WITH ORDINANCES AND LAWS.

Any person who connects to the sewers of the town in violation of this chapter or any other ordinance of the town or of the laws of the state will be denied further sewer service until such ordinances and laws are complied with. It shall be the duty of the plumbing inspector or other person designated by the town board of trustees to disconnect any sewers which have not been connected in compliance with the ordinances and laws.

SECTION 17-306     SEWER SERVICE CHARGE LEVIED.

For the purpose of providing funds for the maintenance of the sanitary sewerage system of the town and for other purposes, there is hereby fixed and established charges for the use of the sanitary sewer system to be levied against each respective user thereof with the town in such amounts and according to such classifications of users as the board by resolution or motion may determine. A copy of the current charges in effect shall be kept on file in the town clerk's office.

SECTION 17-307     PROCEDURES; REQUIRED CONNECTION TO SEWER.

A. The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right of way in which there is now located or may in the future be located a sanitary sewer line of the town, is hereby required to install suitable toilet and sewage disposal facilities directly with the public sanitary sewer system in accordance with the provisions of this chapter, within thirty (30) days after official notice to do so.

B. During the construction of any sewer line by the town, the property abutting such line may be connected with the line at no cost to the owner of the property. After the completion of the construction of the sanitary sewer line by the town, a charge will be made for each connection.

C. At such time as a public sanitary sewer line becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer system in compliance with this section, and any septic tank, cess pool and any similar private sewage disposal facility shall be abandoned and filled with suitable materials. No septic tank or cesspool shall be permitted to discharge into the public sanitary sewer system.

D. When sanitary sewer facilities become available, the failure to connect any dwelling, public building, commercial or industrial building with such facilities within thirty (30) days, shall result in the disconnection of any such building from the town's water lines by the town water department and the owner of any such building shall become subject to a fine of the same amount per month as such building would be charged if it were connected to the sewer system. The fine shall continue each month until such connection is made. A charge shall be made for reconnection of water service to any such building.

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

F. All costs and expenses incident to the installation and connection of any building with the public sanitary sewer system shall be borne by the owner. The owner of any such building shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation or connection of such building with the public sanitary sewer system.

## CHAPTER 4

### REFUSE COLLECTION AND DISPOSAL

Section 17-401	Definitions,
Section 17-402	Accumulations of garbage and refuse.
Section 17-403	Collection of garbage and rubbish.
Section 17-404	Contract and disposal.
Section 17-405	Disposal.
Section 17-406	Inspections.
Section 17-407	Fees.
Section 17-408	Duty to request garbage service.
Section 17-409	Charges to be on water bill.
Section 17-410	Penalty.

#### SECTION 17-401     DEFINITIONS.

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

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

SECTION 17-402      ACCUMULATIONS OF GARBAGE AND REFUSE.

A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and fly-proof, with a tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all of the garbage and rubbish that may accumulate between collections; provided, that each container shall have a capacity of not more than thirty-two (32) gallons, except where approved type bulk storage containers are in use and provided further, that all containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

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

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

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

SECTION 17-403      COLLECTION OF GARBAGE AND RUBBISH.

A. The town or its authorized representative shall collect from all areas of the town not less than once weekly all garbage and rubbish. It is the duty of any person in possession or control of any premises to place the containers required by this ordinance in a location easily accessible to the collector as directed by the town health officer.

B. The places having rubble and excessive accumulations of garbage and rubbish may be excluded from the service, and such accumulations shall then be removed and disposed of at the expense of the owner or person having charge; provided, that the owner, person having such accumulations in charge, or collection agent shall secure permission from the town health officer for removal and disposal of same.

C. Carcasses of animals such as cows, horses and mules, shall be removed and disposed of at the expense of the owner or person having same in charge and by the method directed by the town health officer.

D. Heavy accumulations such as brush, broken concrete, ashes, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same under the direction of the town health officer.

E. Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animals or fowl pens, and waste oils from garages or filling stations or materials considered hazardous and/or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the town health officer.

F. The placing of garbage or rubbish or any refuse material in any street or alley within the town limits or the disposal of such refuse at any place within the town limits, except at such place as may be directed by the town health officer is prohibited.

G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the town limits is prohibited.

SECTION 17-404      CONTRACT AND DISPOSAL.

A. The town shall have authority to enter into a contractual agreement for refuse collection and refuse disposal for due compensation. The town shall contract for such service only with persons having proper equipment to meet State Department of Health requirements, and sufficient qualified personnel to collect and dispose of refuse in accordance with the provisions of this section; and provided further that the method of disposal contracted for must be in accordance with all local, state and federal regulations.

B. Persons desiring to furnish such collection and disposal service shall have the right to make written proposals to the town, when such proposals are requested. Proposals shall include proposed charges for such services, a description of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. All bids will be considered thirty (30) days prior to the expiration of the then existing contract, if any.

C. It is unlawful for any person who does not do so under a contract with the town to engage in the business of refuse collection or refuse disposal for compensation in the town. (Amended 1987)

SECTION 17-405     DISPOSAL.

The disposal of garbage and rubbish shall be by an approved method of incineration (not open burning) or by landfill and daily cover.

SECTION 17-406     INSPECTIONS.

It is the duty of the town health officer, and he is hereby directed, to make all necessary inspections and investigations of any and all premises to see that the terms of this chapter are complied with.

SECTION 17-407     FEES.

There is charged, assessed and collected from each residential and commercial unit such amounts as set in accordance with this code.

SECTION 17-408     DUTY TO REQUEST GARBAGE SERVICE.

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

SECTION 17-409     CHARGES TO BE ON WATER BILL.

All bills for sanitary (refuse) service charges shall be included on water bills, carrying the same due dates, grace periods and penalties as water bills.

SECTION 17-410     PENALTY.

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



## CHAPTER 5

### RATE SCHEDULE AND TAP FEES

Section 17-501                      Water, Sewer, Garbage Rates.  
   Tap Fees.

#### SECTION 17-501                      WATER, SEWER AND GARBAGE RATES

The Town of Porter (the "Town") hereby adopts the revised rate schedule for town water service with respect to residential and commercial customers, and hereby adopts the revised rate schedule for rural water service with respect to residential and commercial customers, and hereby adopts the revised rate schedule for sewer service with respect to residential and commercial customers, and hereby adopts the revised rate schedule for garbage service with respect to residential and commercial customers, and hereby adopts the revised rate schedule of tap fees, all of which is set out on Exhibit "A" therefore.

#### EXHIBIT A

##### Town: Residential and Commercial

- Minimum Rate \$35.00 for 1,000 gallons
- Next 1,000 gallons for \$6.75
- Next 1,000 gallons for \$7.00
- Next 1,000 gallons for \$7.25
- Over 4,000 gallons for \$7.50

(Over 40,000 gallons will be the price of the bill plus and additional \$30.00)

##### Rural: Residential and Commercial

- Minimum Rate \$38.00 for 1,000 gallons
- Next 1,000 gallons for \$6.95
- Next 1,000 gallons for \$7.25
- Next 1,000 gallons for \$7.50
- Next 1,000 gallons for \$7.75

Sewer: Residential and Commercial

- \$12.00 minimum (base rate) for first 1,000 gallons of water usage
- Over 1,000 for .50 per 1,000 gallons
- All charges for sewer service based on actual monthly water usage.

Garbage:

Trash (Only within city limits)

Rates:

- 1 can - \$16.00
- 2 cans - \$21.00
- 3 cans - \$26.00
- 4 cans - \$31.00
- Dumpster - \$62.00

Tap Fees:

- Standard water tap (in city limits) - \$1,250.00
- Standard sewer tap (in city limits) - \$100.00
- Standard meter (out of city limits) - \$1,250.00
- 1" meter - \$1,500.00
- 2" commercial meter - \$3,000.00