

**TITLE V: PUBLIC WORKS**

Chapter

**50. GARBAGE AND LITTER**

**51. WATER**

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**CHAPTER 50: GARBAGE AND LITTER**

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### ***GARBAGE REGULATIONS***

#### **§ 50.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***COMMERCIAL GARBAGE.*** Garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.

***COMMUNITY WASTE.*** Lawn cutting, clippings from bushes and shrubs, leaves and trees and tree branches.

***CONTAINER*** or ***REGULATION CONTAINER.*** A type of garbage or trash container of galvanized metal or other approved material and having a tight-fitting lid or properly and sufficiently treated weather resistant bag manufactured specifically for use in garbage and refuse collection.

***GARBAGE.*** Waste from the preparation, handling, storing, cooking or consumption of food and food products.

***REFUSE.*** All waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels or other place of dwelling and from the operation of a business. ***REFUSE*** shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.

***RESIDENTIAL GARBAGE.*** Garbage produced in places of private residence and dining halls not open to the public.

(Prior Code, § 10-411) (Ord. 93-3, passed 7-14-1993)

#### **§ 50.02 COLLECTION OF GARBAGE.**

(A) The town or its agent shall collect, remove and dispose of all residential, commercial garbage, the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the Town Council may from time to time establish by regulation.

(B) Except as otherwise expressly permitted by this subchapter, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the town except by the town or its agent and except by authorized person hauling commercial garbage or refuse.

(C) Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposed as the Town Council may from time to time by regulation provide.

(D) Nothing contained in this section shall preclude persons form hauling their own garbage, trash or community waste over the streets of the town as the Town Council may authorize.

(E) Nothing in this section shall be construed as eliminating the charge made for garbage service. (Prior Code, § 10-412) (Ord. 93-3, passed 7-14-1993)

**§ 50.03 SERVICE CHARGE.**

(A) All residents and all business establishments within the municipality shall pay the town the following garbage service charges.

(1) *Residential rate.* Residential units comprised of one, two or three dwelling units shall pay for each dwelling unit an amount as may, from time to time, be set by resolution.

(2) *Commercial rate.* All business establishments producing either residential garbage or refuse shall pay a minimum monthly charge of an amount as may, from time to time, be set by resolution, plus such additional amount per month as may be determined by the Town Council upon the basis of volume, time or weight for each class of business.

(B) Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers. (Prior Code, § 10-413) (Ord. 93-3, passed 7-14-1993)

**§ 50.04 METHOD OF PAYMENT OF SERVICE CHARGES.**

(A) The garbage service charges above imposed by this subchapter shall be added to the charge made for other utilities through the town and shall be billed and collected in the same manner as other utility charges are billed and collected.

(B) In the event that the oblige for the other utility charges and the oblige for the garbage service charges do not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the Town Council, the garbage service charges may be collected with such frequency and in such manner as the Town Council shall be regulation provide.

(Prior Code, § 10-414) (Ord. 93-3, passed 7-14-1993)

**§ 50.05 NO ACCUMULATION OF GARBAGE.**

It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to

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be deposited upon any street without the express permission from the Town Council. The Town Council may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the Town Council may designate and under such restrictions as the Town Council may by regulation impose. Additionally, the Town Council may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

(Prior Code, § 10-415) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.06 CONTAINERS.**

Applicable containers will be furnished by the garbage service for receiving and holding garbage, market waste or other refuse which may accumulate. Residents will be responsible for damaged containers and will be responsible to replace them. If damaged by the garbage service, the garbage service will be responsible to replace the container.

(Prior Code, § 10-416) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.07 CLOSING OF GARBAGE CONTAINERS REQUIRED.**

All garbage and market waste must be placed in rain-proof and fly-proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

(Prior Code, § 10-417) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.08 TIME AND PLACE OF PICKUP.**

(A) All garbage and refuse subject to garbage collection by the town shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the Town Council and at such time or times shall be designated by regulations of the Town Council.

(B) Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the Town Council.

(C) All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on the street longer than may be necessary for the removal of the contents.

(Prior Code, § 10-418) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.09 DISPOSAL OF COMMUNITY WASTE.**

(A) Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the Town Council as to the places of disposal and as to the

type of vehicle used to avoid spillage upon public ways of the town, hazards to safety and the prevention of nuisances.

(B) The Town Council, from time to time, may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the town, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given the opportunity to choose from among services offered by persons other than the town.

(Prior Code, § 10-419) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.10 BURNING OF REFUSE PROHIBITED.**

It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open are or in any furnace or stove within the municipality.

(Prior Code, § 10-420) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.11 DUMPING REFUSE PROHIBITED.**

It shall be unlawful for any person to place, deposit or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night soil, or any other refuse upon any lot within the town whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his or her jurisdiction and control.

(Prior Code, § 10-421) (Ord. 93-3, passed 7-14-1993) Penalty, see § 50.99

**§ 50.12 LIMITATIONS UPON DUMPING.**

Dumping waste and garbage shall be permitted only in such places as are designated by the Town Council. Dumping shall be subject to such rules and regulations as may be formulated by the Town Council.

(Prior Code, § 10-422) (Ord. 93-3, passed 7-14-1993)

**§ 50.13 REGULATIONS.**

The Town Council may adopt such regulations as, in its opinion, are necessary to implement this subchapter and its objectives.

(Prior Code, § 10-423) (Ord. 93-3, passed 7-14-1993)

***LITTER; HANDBILLS.***

**§ 50.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AUTHORIZED RECEPTACLE.*** A public or private litter storage and collection receptacle.

***COMMERCIAL HANDBILL.*** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature:

(1) Which advertises for sale any merchandise, product, commodity or thing;

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or even of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this town; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

***GARBAGE.*** Waste from preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. ***GARBAGE*** originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

***LITTER.*** Garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of this town.

***NEWSPAPER.*** Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

***NON-COMMERCIAL HANDBILL.*** Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

***PARK.*** A park, reservation, playground, beach, recreation center or any other public area in this



town, owned or used by this town.

**REFUSE.** All putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

**RUBBISH.** Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**VEHICLE.** Every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.  
(Prior Code, § 10-431)

**§ 50.26 LITTER IN PUBLIC PLACES.**

No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

(A) In authorized receptacles for collection or in official municipal garbage dumps; or

(B) For collection as authorized by the governing body.

(Prior Code, § 10-432) Penalty, see § 50.99

**§ 50.27 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.**

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

(Prior Code, § 10-433) Penalty, see § 50.99

**§ 50.28 SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE GOVERNING BODY.**

No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Prior Code, § 10-434) Penalty, see § 50.99

**§ 50.29 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.**

No person owning or occupying any place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

(Prior Code, § 10-435) Penalty, see § 50.99

**§ 50.30 LITTER THROWN BY PERSONS IN VEHICLES.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.

(Prior Code, § 10-436) Penalty, see § 50.99

**§ 50.31 TRUCK LOADS CAUSING LITTER.**

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place, nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matters of any kind.

(Prior Code, § 10-437) Penalty, see § 50.99

**§ 50.32 LITTER IN PARKS.**

No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Prior Code, § 10-438) Penalty, see § 50.99

**§ 50.33 LITTER IN LAKES AND FOUNTAINS.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.

(Prior Code, § 10-439) Penalty, see § 50.99

**§ 50.34 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.**

No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the governing body, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

(Prior Code, § 10-440) Penalty, see § 50.99

**§ 50.35 PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES.**

Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.  
(Prior Code, § 10-441) Penalty, see § 50.99

**§ 50.36 DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.**

No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.  
(Prior Code, § 10-442) Penalty, see § 50.99

**§ 50.37 PROHIBITED DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.**

No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.  
(Prior Code, § 10-443) Penalty, see § 50.99

**§ 50.38 DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.**

(A) No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises.

(B) However, in case of inhabited private premises which are not posted, as provided in this subchapter, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.  
(Prior Code, § 10-444) Penalty, see § 50.99

**§ 50.39 EXEMPTION FOR MAIL AND NEWSPAPERS.**

The provisions of this subchapter shall not apply to the distribution of mail by the United States,

nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

(Prior Code, § 10-445) Penalty, see § 50.99

#### **§ 50.40 POSTING NOTICE PROHIBITED.**

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

(Prior Code, § 10-446) Penalty, see § 50.99

#### **§ 50.41 LITTER ON OCCUPIED PRIVATE PROPERTY.**

No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.

(Prior Code, § 10-447) Penalty, see § 50.99

#### **§ 50.42 LITTER ON VACANT LOTS.**

No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

(Prior Code, § 10-448) Penalty, see § 50.99

#### **§ 50.43 HANDBILLS AND POSTERS.**

(A) No person or business shall post, stick, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public upon any sidewalk, curb or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this town.

(B) It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the town any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.

(C) Applications for such permit shall be made to the Clerk and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of

the manufacturer or distributor of such article or service advertised.

(D) Licenses shall be issued only to persons of good character. The Chief of Police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the Clerk before any such license is issued.

(Prior Code, § 10-449) Penalty, see § 50.99

**§ 50.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any provision of §§ 50.01 through 50.13 shall be guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine in an amount not to exceed \$500, or by imprisonment for a term not to exceed six months or by both such fine and imprisonment.

(Prior Code, § 10-424) (Ord. 93-3, passed 7-14-1993)



**CHAPTER 51: WATER**

## Section

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***GENERAL PROVISIONS*****§ 51.01 WATER DEPARTMENT AND SYSTEM.**

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

(Prior Code, § 14-110)

**§ 51.02 SUPERINTENDENT.**

There is hereby created the position of Superintendent of the Water Department.

(Prior Code, § 14-111)

**§ 51.03 DUTIES OF THE SUPERINTENDENT.**

The Superintendent of the water system shall manage and supervise the town water system pursuant to the provisions of this subchapter and pursuant to the resolutions, rules and regulations adopted by the governing body from time to time prescribing his or her powers and duties and directing the manner and frequency with which he or she shall make reports to the Mayor relating to the water system. All of the functions and activities of the Superintendent shall be carried on under the direction of the Mayor.

(Prior Code, § 14-112)

**§ 51.04 APPLICATION FOR WATER CONNECTION.**



Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the Water Department for each such connection a written and signed connection application in substantially the following form:

\_\_\_\_\_, UTAH

APPLICATION FOR WATER CONNECTION

TO THE TOWN OF \_\_\_\_\_

I hereby apply to the town of \_\_\_\_\_ for permission to connect my premises at \_\_\_\_\_ with the Town of \_\_\_\_\_ water system and hereby agree as follows:

1. (a) The Town shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the Town the connection charges and fees as may be fixed by the governing body by resolution or ordinance including a reservoir charge if so provided.

Additionally, I agree to pay \$\_\_\_\_\_ for inspection and overhead charges and other miscellaneous costs of the Town as may be fixed by the governing body by resolution or ordinance.

The work of extending the water connection from the point to which the Town installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.

(b) The connection so made by the Town, including the meter, shall remain the property of the town at all times, and the town shall have access thereto at all times.

2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the Town.

3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the municipality and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements or the municipality or of any other governmental agency having jurisdiction to regulate the water system within the Town.

4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the municipality applicable to the municipality's water system.

5. The purpose for which the water connection will be used is \_\_\_\_\_.

6. The Town shall have free access to the lines and meters installed under this agreement and at reasonable times, through my property if necessary.

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

\_\_\_\_\_  
(Applicant)

(Prior Code, § 14-113)

**§ 51.05 APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.**

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

(Prior Code, § 14-114)

**§ 51.06 APPLICATION FOR WATER SERVICE.**

Any person who desires or is required to secure water service when such service is available from the town water system, shall file with the Water Department a written application and agreement for the service which shall be in substantially the following form:

\_\_\_\_\_, UTAH

APPLICATION FOR WATER SERVICE

TO THE TOWN OF \_\_\_\_\_, UTAH

The undersigned hereby applies for water service from the Town of \_\_\_\_\_, Utah, for premises located at \_\_\_\_\_, and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.
2. In the event of a failure to pay water charges within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the Town shall have the right to discontinue the water system service at its election, pursuant to five days written notice of the Town's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this Chapter 51 or regulations issued thereunder is eliminated.
3. To be bound by the rules, regulations, resolutions or ordinances enacted or adopted by the governing body applicable to the Town's water system.

Applicant does hereby deposit \$\_\_\_\_\_ with the Town on the filing of this application for water service, and it is agreed and understood that the Town may, but need not, apply the deposit upon bills due for prior service and that the right of the Town to shut off service as above provided shall exist even through the deposit has not been applied to the payment of past due bills for services. On final settlement of applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the Town at the time of the deposit is made.

4. That the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the Town to apply the deposit to any account to avoid delinquency.

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

\_\_\_\_\_  
(Applicant)

(Prior Code, § 14-115)

**§ 51.07 NON-OWNER APPLICANTS; AGREEMENT OF OWNER.**

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

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

Date this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)

(Prior Code, § 14-116)

**§ 51.08 RATES AND CONNECTION FEES.**

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

(Prior Code, § 14-117)

**§ 51.09 SPECIAL RATES.**

The governing body may, from time to time, fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water

system under exceptional circumstances, upon such terms and conditions as they may deem proper.  
(Prior Code, § 14-118)

### **§ 51.10 BOARD OF EQUALIZATION, RATES AND REBATES.**

The governing body is hereby constituted a Board of Equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.  
(Prior Code, § 14-119)

### **§ 51.11 USE WITHOUT PAYMENT PROHIBITED.**

It shall be unlawful for any person by himself or herself, family, servants or agents to utilize the town water or sewer system without paying therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.  
(Prior Code, § 14-120) Penalty, see § 10.99

### **§ 51.12 DELINQUENCY; DISCONTINUANCE OF SERVICE.**

(A) A Clerk or Water Supervisor shall furnish to each user, or mail to, or leave at his or her place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him or her once each month or at such other regular interval as the governing body shall direct.

(B) The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 30 days of the date due, the Clerk or Water Supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from date of notice.

(C) If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the Treasurer or arrangements made for their payment in a manner satisfactory to the town. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition, to all delinquent water charges, such extra charge for turning the water on and off as the governing body may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge in accordance with the fee schedule adopted by resolution and maintained by the Clerk for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The Clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the town.  
(Prior Code, § 14-121) Penalty, see § 10.99

**§ 51.13 TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED.**

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

(Prior Code, § 14-122) Penalty, see § 10.99

**§ 51.14 SEPARATE CONNECTIONS.**

(A) It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination of usage has been granted by the governing body and the premises served are owned by the same owner.

(B) In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the town for all water services utilized on all such premises.

(C) Nothing herein shall be deemed to preclude the power of the town to require separate pipes, connections or meters at a subsequent time.

(Prior Code, § 14-123) Penalty, see § 10.99

**§ 51.15 UNAUTHORIZED USERS.**

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his or her premises.

(Prior Code, § 14-124) Penalty, see § 10.99

**§ 51.16 PERIOD FOR VISITORS.**

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

(Prior Code, § 14-125) Penalty, see § 10.99

**§ 51.17 PIPES TO BE KEPT IN GOOD REPAIR.**

All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the

Water Superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

(Prior Code, § 14-126) Penalty, see § 10.99

#### **§ 51.18 QUALITY OF SERVICE PIPE.**

(A) All service and other pipe used in conjunction with the water services of the town shall be of such material, quality and specifications as the governing body may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the Water Department. All work, alterations or extensions affecting water pipes shall be subject to the acceptance of the Water Superintendent, and no connections with any water mains shall be made without first obtaining a permit therefor from the Clerk.

(B) No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the Water Superintendent and subject to such requirements relating to controls as may be imposed by him or her.

(Prior Code, § 14-127) Penalty, see § 10.99

#### **§ 51.19 FAULTY EQUIPMENT.**

It shall be unlawful for any water user to:

(A) Waste water;

(B) Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow;

(C) Wastefully run water from hydrants, faucets or stops or through basins, water closets, urinals, sinks or other apparatus; or

(D) Use the water for purposes other than for those which he or she has applied, or to use water in violation of the rules and regulations for controlling the water supply.

(Prior Code, § 14-128) Penalty, see § 10.99

#### **§ 51.20 SPRINKLING VEHICLES.**

Vehicles for sprinkling shall be regulated and controlled by the Water Department through the Superintendent of the Water Department.

(Prior Code, § 14-129) Penalty, see § 10.99

#### **§ 51.21 DEPARTMENT TO HAVE FREE ACCESS.**

The Water Superintendent and his or her agents shall at ordinary hours have free access to any place supplied with water services from the town system for the purpose of examining the apparatus

and ascertaining the amount of water service being used and the manner of its use.  
(Prior Code, § 14-130) Penalty, see § 10.99

#### **§ 51.22 NON-LIABILITY FOR DAMAGES.**

The town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the town beyond that provided in the Governmental Immunity Act.  
(Prior Code, § 14-131)

#### **§ 51.23 WATER NOT SUPPLIED FOR MOTORS, SYPHONS AND THE LIKE.**

No water shall be supplied from the pipes of the town water system for the purpose of driving motor, syphon, turbine or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the governing body.  
(Prior Code, § 14-132) Penalty, see § 10.99

#### **§ 51.24 SPRINKLERS.**

(A) It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the town water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

(B) The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing order such use discontinued and advise that such continued usage constitutes a violation of this subchapter.  
(Prior Code, § 14-133) Penalty, see § 10.99

#### **§ 51.25 SCARCITY OF WATER.**

In time of scarcity of water, whether it shall in judgment of the Mayor and the governing body be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his or her family, servants or agents, to violate any proclamation made by the Mayor in pursuance of this subchapter.  
(Prior Code, § 14-134) Penalty, see § 10.99

#### **§ 51.26 WASTE OF WATER.**

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(A) Users of water from the town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Water Superintendent or of any of the officers of the town, a user of town water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the Superintendent or any officer may refer the matter to the governing body.

(B) The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his or her water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him or her of this time and place of the meeting and of the charges which lead to the consideration of the termination.

(C) A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his or her reasons why his or her water service should not be discontinued.

(D) After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him or her of the decision and of the period during which the service will remain discontinued.

(Prior Code, § 14-135)

**§ 51.27 WATER METERS.**

(A) Except as otherwise expressly permitted by this subchapter, all structures, dwelling units, establishments and persons using water from the town water system must have such number of water meters connected to their water system as are necessary in the judgment of the Superintendent to adequately measure use and determine water charges to the respective users.

(B) Meters will be furnished by the town upon application for a connection and upon payment of such connection fees and other costs as may be established by the governing body from time to time resolution.

(C) Meters shall be deemed to be and remain the property of the town. Whenever a dispute between Superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.

(D) The Superintendent shall cause meter readings to be taken regularly and shall advise the Clerk thereof for the purpose of recording the necessary billings for water service.

(E) Meters may be checked, inspected or adjusted at the discretion of the town, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the town unless special permission is given by the municipality through its representatives to the customer to do so.

(F) If a customer submits a written request to the Superintendent to test his or her water meter, the



town may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within 12 months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of water.

(G) If the town's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% accuracy, the municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

(H) All damages or injury to the lines, meters or other materials of the town on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the municipality through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

(Prior Code, § 14-136) Penalty, see § 10.99

**§ 51.28 PERMITS FOR INSTALLATION.**

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

(Prior Code, § 14-137) Penalty, see § 10.99

**§ 51.29 APPLICATIONS FOR INSTALLATION PERMIT.**

(A) (1) Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the town water system must be made in writing by a licensed plumber, his or her authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

(2) The application shall be granted if the Superintendent determines that:

(a) The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main; and

(b) The connection conforms to the ordinances, regulations, specifications and standards of materials required by the town.

(3) All connections, alterations or installations shall be to the line and grade designated by the Water Superintendent.

(B) Fees for permits or for inspection services shall be of such amounts as the governing body

shall from time to time determine by resolution.  
(Prior Code, § 14-138) Penalty, see § 10.99

### **§ 51.30 MOVING OR REPLACEMENT OF WATER LINES.**

In the event that the town, in its sole discretion, determines that any water line of the town must be moved or replaced, the town shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his or her property line shall be borne by the customer.  
(Prior Code, § 14-139)

### **§ 51.31 WHEN PERMITS SHALL NOT BE ISSUED.**

Permission to connect with the town water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the Building and Plumbing Codes of the town.  
(Prior Code, § 14-140)

### **§ 51.32 DISCONTINUANCE OF SERVICE.**

Any customer desiring to discontinue service shall notify the town in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or deposit will be refunded upon discontinuance of service.  
(Prior Code, § 14-141)

### **§ 51.33 FIRE HYDRANTS.**

(A) Water for fire hydrants will be furnished free of charge by the town. Installation and repairs on such hydrants shall be at the expense of the town and shall be made under the direction of the town.

(B) All customers shall grant the town, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the town concludes that hydrants shall be so installed for the protection of the residents.  
(Prior Code, § 14-142)

### **§ 51.34 EXTENSION OF WATER MAINS WITHIN THE TOWN.**

(A) Any person or persons, including any subdivider who desires to have the water mains extended within the town, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the governing body by petition.

(B) The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the Water Superintendent.

(C) The governing body may grant or deny the petition as, in its discretion, seems best for the welfare of existing water users in the town.  
(Prior Code, § 14-143)

**§ 51.35 COST OF EXTENSIONS DETERMINED.**

Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the Water Superintendent a certified statement showing the whole cost of expense of making such extension.  
(Prior Code, § 14-144)

**§ 51.36 AMOUNT OF COST TO BE DEPOSITED WITH CLERK.**

If the governing body grants the petition, the amount of the cost of making the extension, as certified by the Superintendent shall be deposited with the Clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate, after the granting thereof.  
(Prior Code, § 14-145)

**§ 51.37 RETURN OF ANY MONEY; FORFEITURE.**

(A) At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his or her successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

(B) In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposits may be forfeited and then transferred to the Water Utility Fund.  
(Prior Code, § 14-146)

**§ 51.38 OWNERSHIP OF EXTENSION.**

Any such extension shall be deemed the property of the town.  
(Prior Code, § 14-147)

**§ 51.39 CROSS-CONNECTIONS.**

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No water service connection to any premises shall be installed or maintained by the town or any other water utility unless the water supply in the premises is protected as required herein.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BACKFLOW.** The reversal of the normal flow of water caused by either back-pressure or backsiphonage.

**BACK-PRESSURE.** The flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.

**BACKSIPHONAGE.** The flow of water or other liquids or substances into the distribution pipes of a potable water supply system from any source other than the intended source caused by the reduction of pressure in the potable water supply system.

**CROSS-CONNECTIONS.** Any connection which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a distribution system, including any temporary connections, swing connections, removable connections, four-way plug valves, swivel change-over devices or other similar plumbing arrangements.

**FLOW PREVENTION ASSEMBLY.** Assembly or means designed to prevent backflow. See Appendix J, Chapter 10, State Plumbing Code as adopted for specifications of such assemblies.

(B) *Duty to inspect.* It shall be the responsibility of the water consumer to request and purchase the initial backflow prevention device. Purchase price shall include the labor of installation by the town. The backflow prevention device shall be installed to compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems.

(C) *New construction.* The Building Official of the town will review all plans for new construction and ensure that unprotected cross-connections are not an integral part of the consumer's water system. If a cross-connection cannot be eliminated, protection will be required by installation of an air gap or other approved backflow prevention device in accordance with the State Plumbing Code as adopted. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention assembly as required by the code.

(D) *Installation required.* Whenever the town deems a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved backflow prevention assembly shall be required on the lateral service line of the consumer's water system at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral water line in any event. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross-connection. The town may test all backflow prevention assemblies after the initial installation in order to determine their adequacy.

(E) *Existing equipment.* All backflow prevention assemblies existing at the time this section is adopted which do not meet the requirements hereof shall be excluded from the requirements hereof provided they were approved for the purposes described herein at the time of installation and have been properly maintained. Such previously existing assemblies shall be subject to the periodic inspection and testing required by division (B) above. Whenever an existing assembly is moved to another location, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention assembly.

(F) *Repair and maintenance of equipment.* The maintenance and repair of all backflow prevention assemblies and cross-connection control devices required hereunder shall be the responsibility of the town, provided they have been installed to the Water Department specifications. The Water Department will not be responsible for installation fees for first-time \$35 each, user system expansion or user negligence.

(G) *Access for inspection.* A consumer system shall be open for inspection at all reasonable times to authorized representatives of the town in order to determine if cross-connections or other hazards exist.

(1) Consumers shall be responsible to provide access across their property for inspection purposes free from litter, overgrowth, threat of vicious animals or other hindrance that may be detrimental to ease of access:

(a) If backflow prevention assembly required herein for control of cross-connections is not installed, tested or maintained;

(b) It is found that a backflow prevention assembly is removed or has been bypassed;

(c) If an unprotected cross-connection exists on the premises; or

(d) If the periodic system inspection has not been conducted.

(2) When written notification of a deficiency is provided by the town to the consumer to take required corrective action within ten days after the date of mailing such notice, the town shall thereafter discontinue service in accordance herewith. Water service will not be restored until all such conditions or defects are corrected.

(3) In addition to any penalty provided herein, violation of this section shall be a Class B misdemeanor.

(Prior Code, § 14-148) (Ord. 91-1, passed 7-10-1991) Penalty, see § 10.99

#### **§ 51.40 LIMITING DRILLING OF WELLS ON PRIVATE PROPERTY LOCATED IN TOWN AND REQUIRING MANDATORY CONNECTION TO THE TOWN WATER SYSTEM.**

(A) *Connection to water system required.* It shall be mandatory that all new or reconstructed residences, public and/or general commercial buildings, excepting therefrom agriculture buildings, and all other public or private water connections within the jurisdiction of the town connect to and utilize

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municipal water from the municipal water system, except as provided hereafter.

(B) *Limited use of wells within town limits.* It shall be unlawful for any person to drill a well on their property that is located within the town's jurisdiction or transfer water from a well located outside the jurisdiction of the town to property located within the town's jurisdiction for domestic and culinary purposes. Any person may drill a well for agricultural and irrigation purposes, provided the same is not connected to the private or municipal culinary system nor utilized for culinary or irrigation purposes provided the same is not connected to the private or municipal culinary system nor utilized for culinary or domestic purposes. All wells drilled for agricultural and irrigation purposes shall comply with the rules and regulations of the State Division of Water Rights.

(C) *Existing wells at time of ordinance passage.* Any well that currently exists within the town which is currently being utilized for culinary or domestic purposes may continue to be utilized for culinary and domestic purposes provided the same is tested in accordance with recommended standards set forth by the State Department of Environmental Quality. Should the well become inoperable such that the drilling of a new well is required, it shall be mandatory that the private culinary system be connected to the municipal water system. Any well strictly utilized for agricultural and irrigation purposes shall not require testing unless mandated by the state.

(D) *Connection to municipal water system.* No residence, public and/or general commercial building or any other water system that is currently connected to a private well shall be connected to the municipal water system. No person shall permit or allow a private water system to contaminate the municipal water system nor shall any person defoul any of the waters in the town water system.  
(Prior Code, § 14-149) (Ord. 05-3, passed 2-9-2005) Penalty, see § 10.99

**§ 51.41 SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE TOWN LIMITS.**

The municipality prohibits any new water hook-ups outside of town limits effective April 21, 1994.  
(Prior Code, § 14-151) (Ord. 94-3, passed 4-21-1994) Penalty, see § 10.99

**WATER BOARD****§ 51.55 ESTABLISHMENT OF WATER BOARD.**

There is hereby established a Town Water Board, hereinafter referred to in this section as the "Board." The Board shall be an advisory board to the town and shall assist the town in the development and distribution of water by the town's water system, but subject to, and under the direction, consent and approval of the Town Council, hereinafter referred to as the governing body.  
(Prior Code, § 14-155) (Ord. 92-1, passed 12-9-1992)

**§ 51.56 WATER BOARD MEMBERS.**

The Water Board shall consist of five members, who shall be appointed by the Mayor with the advice and consent of the governing body. One of the members of the Water Board shall be appointed from the governing body. The Town Manager and other town staff shall assist the Water Board in carrying out its duties and shall work at the direction of the Water Board in matters affecting the Water Department.

(Prior Code, § 14-156) (Ord. 92-1, passed 12-9-1992)

**§ 51.57 TERM.**

All members serving on the Water Board on the effective date of this subchapter shall continue to so serve for the terms to which they were appointed. New members and successor members of the Water Board shall be appointed for terms of three years, and shall serve until their successors are appointed and qualified, except that the members of the governing body who are appointed members of the Water Board shall be appointed for a two-year term, and shall serve until their successors are appointed and qualified. Any member of the Water Board may be appointed to succeed himself or herself.

(Prior Code, § 14-157) (Ord. 92-1, passed 12-9-1992)

**§ 51.58 VACANCIES.**

All vacancies on the Water Board shall be filled by appointment by the Mayor, with the advice and consent of the governing body, for the unexpired term. The Water Board shall have the right to make recommendations regarding replacements for Water Board members before said appointments are made.

(Prior Code, § 14-158) (Ord. 92-1, passed 12-9-1992)

**§ 51.59 QUALIFICATION OF BOARD MEMBERS.**

(A) No person shall be appointed to serve as a member of the Water Board, unless that person shall be a resident elector of the town.

(B) The office of any member of the Water Board who ceases to meet the qualifications set forth in division (A) above shall immediately be declared vacant by the Mayor who shall thereupon proceed to fill the vacancy as provided by § 51.58. Any member may also be removed by the governing body but only after just cause for such removal has been established and a public hearing provided at which all members of the governing body are present, should the Board member so request.

(C) Any member of the Water Board shall have the right to resign from the Board upon 30 days written notice to the governing body or upon earlier appointment of a successor as set forth in § 51.58.

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(D) Just cause for removal of any member from the Water Board by the governing body would include failure to attend the meetings of the Water Board without satisfactory excuse. Any member of the Water Board who shall have missed more than 25% of the Water Board meetings without an excuse shall be presumed to have established just cause for his or her removal by the governing body.  
(Prior Code, § 14-159) (Ord. 92-1, passed 12-9-1992)

**§ 51.60 COMPENSATION OF BOARD MEMBERS.**

Members of the Water Board shall serve without compensation, except that the governing body may upon occasion and, upon its discretion, reimburse the Board members for out-of-pocket expenses for Water Board business.  
(Prior Code, § 14-160) (Ord. 92-1, passed 12-9-1992)

**§ 51.61 BOARD MEETINGS.**

(A) The Water Board shall meet at such times and places as it shall determine and shall also meet at the call of its Chairperson.

(B) The meetings of the Water Board shall be open to the public and shall be conducted in compliance with the open meeting laws of the state.

(C) The Water Board shall elect from its members a Chairperson, who shall preside over its meetings and a Vice Chairperson who shall act for the Chairperson in his or her absence.

(D) It shall also select its own Secretary and may with the approval of the governing body, establish a salary for that position.

(E) Election of officers of the Water Board shall be held at the first regular meeting of the Water Board following the appointment of a new member for a full term.

(F) All officers shall serve for a term of one year.

(G) No action shall be taken by the Water Board, except on the affirmative vote of three members.

(H) Three members shall constitute a quorum of the conduct of business.  
(Prior Code, § 14-161) (Ord. 92-1, passed 12-9-1992)

**§ 51.62 DUTIES OF WATER BOARD.**

In addition to the duties specified above, the Water Board shall perform the following advisory functions for the town.

(A) The Water Board shall make recommendations concerning purchase of equipment and materials necessary for the proper operation of the Water Department.

(B) The Water Board shall prepare and recommend to the Town Council an operational budget for



the Water Department for each year.

(C) The Water Board shall recommend rates to be charged for water used by town residents.

(D) The Water Board shall conduct studies and make reports to the Town Council for matters dealing with water as may be requested by the town.

(Prior Code, § 14-162) (Ord. 92-1, passed 12-9-1992)



**CHAPTER 52: MUNICIPAL POWER**

Section

*General Provisions*

- 52.01 Operation of the municipal electric system
- 52.02 Joint operations
- 52.03 Real estate and contracts
- 52.04 Extension of service fees
- 52.05 Use of public right-of-way
- 52.06 Service rates
- 52.07 Advertising
- 52.08 Budget and records
- 52.09 Deposits by renters
- 52.10 Sale or disposition of utility system
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**GENERAL PROVISIONS**

**§ 52.01 OPERATION OF THE MUNICIPAL ELECTRIC SYSTEM.**

The Power Department shall, under the supervision and direction of the Power Board, operate and maintain the town electric utility system. The employees of the Department shall make such reports as are required by the Power Board's regulations to that Board, and shall perform their day to day functions under the direction of the Power Board in accordance with the rules and regulations promulgated by that Board. The Power Board may, with the prior advice and consent of the governing body, establish such positions for employees of the Department as may be required for the economical and efficient operation of the municipal electric system.

(Prior Code, § 14-310)

**§ 52.02 JOINT OPERATIONS.**

The Power Board may contract with any public agency or private corporation or with another municipality or individual for the joint use of the poles and other property belonging to the town or to the other party. The Power Board may also contract with any other party, with the approval of the governing body, for the joint acquisition of real property and franchises, and the joint financing, construction, operation and maintenance of power generating facilities, the joint acquisition or sharing of power, transmission lines or any other property.

(Prior Code, § 14-311)

**§ 52.03 REAL ESTATE AND CONTRACTS.**

When the Power Board determines it to be necessary for the proper and economical operation of the Department, with the approval of the governing body, the Power Board may enter into contracts to:

(A) Sell its products to any consumer;

(B) Purchase power from suppliers;

(C) Construct power generating plants, transmission lines and other property and for the operation and maintenance of the same;

(D) Purchase real estate and franchises in the name of the town; and

(E) Lease property which may be necessary.

(Prior Code, § 14-312)

**§ 52.04 EXTENSION OF SERVICE FEES.**

(A) The Power Board shall adopt regulations governing extensions of electric service within the town limits.

(B) These regulations shall provide the conditions under which such extensions will be made and shall be in conformity with the provisions of this section and state law as set forth in UCA § 10-8-14,

1953 as amended. All extensions of electrical service outside the town limits shall only be by special contractual arrangement with the governing body and shall be arranged on a case by case basis.

(1) All extensions of electric service within the town limits, except within subdivisions, will normally be constructed overhead by the town without cost to the applicant, provided however, that from the connection fee, paid to the town, the town will provide for up to one pole and 100 feet of single phase 120/240 volt service wire up to 200 amps.

(2) Extensions of service within real estate subdivisions within the town limits shall be constructed at the developer's expense by the developer or a contractor of this choice, inspected by the Power Department's designated inspector, and once approved, turned over to the ownership of the town. The town shall thereafter be responsible for the maintenance of the system and all lines thereof up to the town's metering point. From the metering point to the individual customers, the customer himself or herself, shall bear the responsibility of maintenance of the line. The developer may contract with the governing body for the Power Department employees to construct the system on terms agreeable to the governing body.

(3) Existing overhead lines may be replaced with underground facilities when mutually agreed by a power customer and the town, provided that the customer pays, in advance, a nonrefundable sum equal to the total installed cost of the new underground facilities including new easements, less salvage value of the overhead facilities reduced by removal costs.

(4) Extensions for temporary service or speculative businesses will be made only upon mutual agreement between the governing body and the applicant based on the existing conditions in each separate instance.

(5) The Department will construct, own, operate and maintain electrical lines only along public streets, roads and other rights-of-way which the town has the legal right to occupy, and across other public and private property across which the town has utility easement. Applicants for extensions of service shall be required to furnish such easements to the town without costs to the town.

(6) Line extensions within the town limits between existing electrical installations and the proposed subdivision shall be installed and paid for in accordance with a mutually agreeable arrangement between the line extension applicant and the governing body, the terms of said agreement to be arranged on a case by case basis.

(7) Each applicant for electrical service within the town shall pay in advance a connection fee to be established by resolution of the governing body from time to time for each new connection, as defined by the rules and regulations promulgated by the Power Board, said connection is to be made to the town's municipal electric system. For purposes of this section, the term **CONNECTION** shall include, but not be limited to, that wire which connects the building, house or facility of the electric customer to the main lines of the town's electric system, said lines being located in utility easements as set forth herein above. However, the Power Board may, through its rules and regulations, set forth guide lines defining when a new connection fee must be paid. It is however, the express policy of the town that a separate connection fee shall be paid for each and every separate dwelling unit, use or customer, unless otherwise arranged by agreement with the governing body.

(Prior Code, § 14-313)

**§ 52.05 USE OF PUBLIC RIGHT-OF-WAY.**

The Power Department may use the property over, under or along any public street, sidewalk or other right-of-way in the operations of the Department but shall in all instances cause the surface of the public way to be restored to its usual and normal condition and state, at the conclusion of any construction or repair activity.

(Prior Code, § 14-314)

**§ 52.06 SERVICE RATES.**

(A) The Power Board shall, from time to time, recommend to the governing body the rates to be charged from electricity sold and services rendered by the Department. Rates shall be fair, reasonable and compensatory for the product sold or service rendered. Rates shall be uniform for all consumers in the same class, but different rate schedules may be applied to different classes of consumers. Rates for power consumed within the limits of the town may be less, but shall be no greater than the same class of town serviced consumers outside the town limits. Rates shall be sufficient to pay all operating and maintenance expenses of the Power Department. The Power Board may require a reasonable deposit as security for the charges for utility services and may provide for the return of the deposit when satisfactory consumer credit has been established. The staff of the town shall administer the collection of all funds charged for electricity products and Department services.

(B) The rates charged for electric services shall be established by resolution of the governing body from time to time. Unless otherwise provided by such resolution, the rates which are in effect on the effective date of this section shall remain in force until changed in accordance with this section.

(Prior Code, § 14-315)

**§ 52.07 ADVERTISING.**

The Power Board may authorize reasonable expenditures to advertise and promote the use of services of the Department and to acquaint the public with the operation, programs and planned extension of the Department and the town's electric utility system.

(Prior Code, § 14-316)

**§ 52.08 BUDGET AND RECORDS.**

(A) The Power Board shall furnish a proposed budget for the Department, to the Mayor, no later than May 15 of each fiscal year so that he or she may incorporate it in the general budgets of the town.

(B) The accounts and records of the Department shall be kept separately from the general accounts and funds of the town, except as may be otherwise specifically provided by the provisions of state law and town ordinances.

(Prior Code, § 14-317)

**§ 52.09 DEPOSITS BY RENTERS.**

(A) All renters or tenants of commercial, residential or other property shall pay a deposit in advance of commencement of electrical service. Said deposit shall be in addition to the regular monthly or other periodic payments for electricity, culinary water, sewer service and garbage service. Such deposits shall be in an amount established by resolution of the governing body and may be based on the type of electrical service to be provided, the estimated monthly service bill and such other relevant matters as the governing body may wish to consider.

(B) Such deposits shall be received by the Town Treasurer and deposited in the general account of the town, and shall be retained by the town so long as any of said services shall not have been paid for in full. The town shall use such amount of the deposit as is required to pay any delinquent charges for services or product not paid for by the tenant or renter upon termination of services.

(C) The governing body may, by resolution, require the landlord or owner of rental property to be responsible for the payment of electrical utility services furnished to that property, whether or not the landlord or owner resides upon the property. In addition, the landlord or owner may be required to post such deposits with the town as the governing body may deems appropriate to insure the payment for electrical services. Any payment or deposit required of a landlord or owner of rental property may be in lieu of or in addition to payments and deposits required of renters of the property or may be required of landlords on a case by case basis.

(Prior Code, § 14-318)

**§ 52.10 SALE OR DISPOSITION OF UTILITY SYSTEM.**

The town electric utility system shall not be sold or otherwise disposed of by the Power Board or the town, except after the question of sale or disposition of the same shall have been approved by a majority vote of the voters of the town who vote on the question when it is submitted to the voters at any municipal election or at a special election called by the governing body for that purpose.

(Prior Code, § 14-319)

**§ 52.11 PAYMENT OF ELECTRICAL CHARGES.**

All charges for electricity shall be paid for monthly by the consumer at the end of each month. Any consumer failing, neglecting, refusing to pay such charges by the twentieth day of the following month shall be assessed a penalty in such an amount as shall be determined by the governing body in a resolution which establishes the rate for electric services. Consumers whose accounts are delinquent in excess of 20 days shall also be subject to having their electric current shut off by the Department as provided by the regulations of the Power Board.

(Prior Code, § 14-320)

**§ 52.12 RECONNECTION FEE.**

In the event that any electric consumer has his or her electric service shut off under the provisions of § 52.11 for nonpayment of electricity charges, no reconnection or reestablishment of electrical

service shall be made until that consumer has deposited with the town or the Power Board a reconnection fee in an amount as may, from time to time, be set by resolution. This said fee will be nonrefundable and will compensate the town Power Department for the cost of disconnecting and reconnecting the electricity as well as the administrative costs incurred.

(Prior Code, § 14-321)

#### **§ 52.13 THEFT OF ELECTRICITY.**

It shall be unlawful for any person to use electric current ahead of the meter or to use, employ or follow any other procedure or device for obtaining electricity without paying therefore or aid, council, abet, encourage or assist any other person in so doing.

(Prior Code, § 14-322) Penalty, see § 52.99

#### **§ 52.14 ACCESS TO PREMISES.**

Free access at all reasonable hours shall be allowed to employees of the Department to all premises supplied with electric service. All meters shall be outside of the building which they serve and readily accessible, mounted five to seven feet above the ground. Variations in mounting of the meter must be approved in advance by the Power Department. It shall be unlawful for any person to interfere with or obstruct the employees of the Department in the performance of their duties.

(Prior Code, § 14-323) Penalty, see § 52.99

#### **§ 52.15 INJURY TO ELECTRIC SYSTEM.**

It shall be unlawful for any person to take down, remove, injure, obstruct, displace, destroy or otherwise interfere with any power line or equipment or any part thereof, or to sever or injure any wire or cable thereof, or in any manner to interrupt the transmission of electricity along such line, or to damage or injure in any manner whatsoever any building or structure or machinery connected therewith except after having received written permission from the department as may be provided by regulations of the Power Board.

(Prior Code, § 14-324) Penalty, see § 52.99

#### **§ 52.16 TURNING ON CURRENT WITHOUT AUTHORITY.**

It shall be unlawful for any person to run the electric current to his or her or any other premises or to use any electric current from the town's electric system without specific prior authority of the Power Department.

(Prior Code, § 14-325) Penalty, see § 52.99

#### **§ 52.17 ENCROACHMENT ON RIGHT-OF-WAY.**

(A) Any person over whose property any part of the town electrical system passes shall maintain an easement for said lines or portion of the system which is accessible to employees of the Power



Department. Said easement shall be kept free of tree branches, structures or any other material or device which might in any way interfere with the transmission of electricity over the electrical system.

(B) In the event that trees or bushes or structures or other materials or devices are allowed to grow or encroach upon the easement or within such distance as might create a hazard to the system, the Power Board shall give notice to the owner of said tree, bush, structure or other material or device to remove the same within ten days. Said removal shall be at the expense of the owner. In the event that the owner fails to remove said item, pursuant to the notice, the town may cause the item to be removed and assess all costs against the owner of the item.

(Prior Code, § 14-327) Penalty, see § 52.99

***POWER DEPARTMENT; POWER BOARD***

**§ 52.30 ESTABLISHMENT OF A POWER DEPARTMENT.**

(A) There is hereby established the Town Power Department, hereinafter referred to in this chapter as the Department. The Department shall control and supervise the town's electric utility services as provided by town ordinance and state law and shall be responsible for the development, production, purchase and distribution of power by the town's electric utility system, under the direction and subject to the advice, consent and approval of the Town Council, hereinafter referred to as governing body.

(B) In the exercise of its duties and responsibilities, the Department shall have all the powers possessed by the town to construct, acquire, expand and operate the town's electric utility system and to do any and all acts that are necessary and proper to operate and maintain the town's electric utility system in an orderly and economic manner, subject to advice, consent and approval of the governing body.

(Prior Code, § 14-301)

**§ 52.31 POWER BOARD.**

The Department shall be headed by a Power Board, which shall have exclusive jurisdiction over the Department and all its operations and facilities, except as may be specifically otherwise provided by ordinance. The Power Board shall be responsible for the operation of the Department, the proper functioning of the Department, the promulgation of such regulations and rules as it deems necessary for the proper functioning of the Department, shall see that the Department operates on a self-sustaining economic basis, and shall report to the governing body whenever requested to do so.

(Prior Code, § 14-302)

**§ 52.32 POWER BOARD MEMBERS.**

The Power Board shall consist of five members, who shall be appointed by the Mayor, with the advice and consent of the governing body. One of the members of the Power Board shall be appointed

from the governing body. The Town Manager and other town staff shall assist the Power Board in carrying out its duties and shall work at the direction of the Power Board in matters affecting the Power Department.

(Prior Code, § 14-303)

### **§ 52.33 TERM.**

All members serving on the Power Board on the effective date of this subchapter shall continue to so serve for the terms to which they were appointed. New members and successor members of the Power Board shall be appointed for terms of three years and shall serve until their successors are appointed and qualified, except that the members of this governing body who are appointed members of the Power Board shall be appointed for a two-year term and shall serve until their successors are appointed and qualified. Any member of the Power Board may be appointed to succeed himself or herself.

(Prior Code, § 14-304)

### **§ 52.34 VACANCIES.**

All vacancies on the Power Board shall be filled by appointment by the Mayor, with the advice and consent of the governing body, for the unexpired term. The Power Board shall have the right to make recommendations regarding replacements for Power Board members before said appointments are made.

(Prior Code, § 14-305)

### **§ 52.35 QUALIFICATION OF BOARD MEMBERS.**

(A) No person shall be appointed to serve as a member of the Power Board unless that person shall be a resident elector of the town.

(B) The office of any member of the Power Board who ceases to meet the qualifications set forth in division (A) above shall immediately be declared vacant by the Mayor, who shall thereupon proceed to fill the vacancy as provided by § 52.34. Any member may also be removed by the governing body but only after just cause for such removal has been established and a public hearing provided at which all members of the governing body are present, should the Board member so request.

(C) Any member of the Power Board shall have the right to resign from the Board upon 30 days written notice to the governing body or upon earlier appointment of a successor as set forth in § 52.34.

(D) Just cause for removal of any member from the Power Board by the governing body would include failure to attend the meetings of the Power Board without satisfactory excuse. Any member of the Power Board who shall have missed more than 25% of the Power Board meetings without an excuse shall be presumed to have established just cause for his or her removal by the governing body.

(Prior Code, § 14-306)

### **§ 52.36 COMPENSATION OF BOARD MEMBERS.**

Members of the Power Board shall serve without compensation, except that the governing body may, upon occasion and upon its discretion, reimburse the Board members for out-of-pocket expenses for Power Board business.

(Prior Code, § 14-307)

**§ 52.37 BOARD MEETINGS.**

The Power Board shall meet at such times and places as it shall determine and shall also meet at the call of its Chairperson. The meetings of the Power Board shall be open to the public and shall be conducted in compliance with the open meeting laws of the state. The Power Board shall elect from its members a Chairperson, who shall preside over its meetings, and a Vice Chairperson, who shall act for the Chairperson in his or her absence. It shall also select its own Secretary, and may, with the approval of the governing body, establish a salary for that position. Election of officers of the Power Board shall be held at the first regular meeting of the Power Board following the appointment of a new member for a full term. All officers shall serve for a term of one year. No action shall be taken by the Power Board except on the affirmative vote of three members. Three members shall constitute a quorum for conduct of business.

(Prior Code, § 14-308)

**§ 52.38 DUTIES OF THE POWER BOARD.**

In addition to the general duties of the Power Board which are provided in § 52.31, the Power Board may, under the direction, advice and consent of the governing body, participate in hiring such person as are necessary for the proper operation of the Department by soliciting, screening and interviewing such applicants as may be necessary, or by making recommendations for hiring to the governing body. The Power Board shall perform these duties upon direction of the governing body. In addition, the Power Board may purchase such equipment and materials as are necessary for the proper operation of the Department subject to the prior approval of the governing body. The Power Board may also prepare and recommend to the governing body an operational budget each year and the Department shall operate within the monies appropriated by the governing body for the budget, and perform such other duties as are provided by law or ordinance.

(Prior Code, § 14-309)

**§ 52.99 PENALTY.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to punishment by a fine in an amount not to exceed \$1,000, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

(Prior Code, § 14-326)