

Article XV Utilities

Section 255. Utility Ownership and Easement Rights

[a] In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 256. Lots Served by Governmentally Owned Water or Sewer Lines

[a] Whenever it is legally possible and practicable in terms of topography to connect a lot with a town water or sewer line by running a connecting line not more than two hundred (200) feet from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.

[b] Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed two hundred (200) feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

[c] For purposes of this article, a lot is “served” by a town owned water or sewer line if connection is required by this section.

Section 257. Sewage Disposal Facilities Required

[a] Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 258. Determining Compliance with Sewage Disposal Facilities Requirements

[a] Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 257 often lies with an agency other than the town, and the developer must comply with the detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 257. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

Section 259. Water Supply System Required

[a] Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 260. Determining Compliance with Water Supply System Requirements

[a] Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 259 often lies with an agency other than the town, and the developer must comply with the detailed standards and specifications of such other agency. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 259. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

Section 261. Lighting Requirements

[a] Subject to Subsection [b], all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using streets, sidewalks, and other common areas or facilities.

[b] To the extent that fulfillment of the requirement established in Subsection [a] would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the town.

[c] All roads, driveways, sidewalks, parking lots, and other common areas and facilities in non subdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.

[d] All entrances and exits in substantial buildings used for nonresidential purposes and in two family or multi family developments containing more than four (4) dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

Section 262. Excessive Illumination

[a] Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 261 or if the standard set forth in Section 261 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

Section 263. Electric Power

[a] Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- [1] If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- [2] If the use is a subdivision, or is not located on a lot served by an existing power line, or a substantial internal distribution system will be necessary, then the electric utility service provider must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 264. Telephone Service

[a] Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- [1] If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such telephone line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- [2] If the use is a subdivision, or is not located on a lot served by an existing telephone line, or a substantial internal distribution system will be necessary, then the telephone utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 265. Underground Utilities

[a] All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this ordinance shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the town's standard specifications for street design and construction.

[b] Whenever a non subdivided development is constructed in accordance with section 61, all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies. This section shall not apply to a change of use of a structure that is no larger than two thousand eight hundred (2, 800) square feet. The administrator may approve a deviation of the square footage requirement (not to exceed 10%) in accordance with the provisions of Section 51[b].

Section 266. Utilities To Be Consistent With Internal and External Development

[a] Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

[b] All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 267. As - Built Drawings Required

[a] Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water, sewer or other utility line, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 268. Fire Hydrants

[a] Every development (subdivided or non subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

[b] The presumption established by this ordinance is that to satisfy the standard set forth in Subsection [a], fire hydrants must be located so that all parts of every building within the development may be served by a hydrant. However, the fire chief may authorize or require a deviation from this standard if in his professional opinion another arrangement more satisfactorily complies with the standard set forth in Subsection [a].

[c] The fire department shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

[d] The fire chief shall determine the design standards of all hydrants based on fire flow needs.

[e] Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead end lines.

Section 269. Solid Waste and Recycling Containers**[a] Solid Waste Containers**

- [1] Every development must provide solid waste areas and solid waste containers in compliance with the requirements of Section 91 of the Town Code.
- [2] All solid waste containers and solid waste container areas should be located as to minimize any negative impact on persons occupying the development site, neighboring properties, and public rights-of-way.
- [3] All solid waste container areas should be constructed according to specifications established by the Public Works Department to allow for collection without damage to the development site and the collection vehicle.
- [4] All solid waste container locations should be screened in accordance with the requirements of Section 363 [e] of this ordinance.

[b] Recycling Containers

- [1] Multi-Family Residences (Use 1.300) and any other development which is required to recycle should provide an area for the placement of recycling containers designed pursuant to Section 91 of the Town Code.
- [2] All recycling containers should be located as to minimize any negative impact on persons occupying the development site, neighboring properties, and public rights-of-way.
- [3] All recycling container areas should be constructed according to specifications established by the Department of Public Works to allow for collection without damages to the development site and the collection vehicle.
- [4] All recycling container areas should be screened in accordance with the requirements of Section 363 [e] of this ordinance.

Section 270. Reserved**Section 271. Reserved****Section 272. Reserved**