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## **CHAPTER 7 – PUBLIC UTILITIES**

### **Article 1 – Utilities Generally**

#### **SECTION 7-101: VILLAGE POWERS; RATE SETTING**

A. The village currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The village has the right and power

to tax assets and collect payment from its residents for use of the water supplied to them by the water system and for use of the sewer system. The Village Board is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable.

B. The Village Board may classify the customers of the village Sewer Department for the purpose of sewer use fees; provided, such classifications must be reasonable and shall not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency, relative to the user charge grant condition. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial waste(s). In either case, the owner or his or her agent shall make application on a special form furnished by the village.

C. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the village clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542)

#### **SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES**

All residents of the village shall be required to subscribe to village utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the Village Board.

#### **SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT**

A. Every person or persons desiring utility services must make application therefor to the village clerk, who shall require the applicant to pay a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the Village Board and kept on file at the village office. At the time any service deposit is returned to the consumer, the village will not pay any interest that may have accrued on such amount.

B. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

C. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this village shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601) (Am. Ord. Nos. 204, 9/6/05; 206, 2/6/06)

#### **SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE**

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the village and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the water and sewer systems by a new consumer thereof and the furnishing of water and sewer service to said consumer shall constitute a contract between the consumer and the vil-

lage, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

C. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the village clerk, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for water monthly until the village is otherwise advised of such circumstances.  
(Neb. Rev. Stat. §17-537)

### **SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY; DISCONNECTION; RESPONSIBLE PARTY**

A. Water, sewer, and garbage pickup bills shall be due and payable monthly at the office of the village clerk. Meters shall be read on or about the 15<sup>th</sup> day of each month and bills shall be issued on or about the 22<sup>nd</sup>. Utility bills shall be due and payable on the 10<sup>th</sup> day of each month. Customers may either present payment to the clerk at the village office, mail payment of water bills directly to the village clerk or, if said customer is handicapped, call the village office during regular business hours and request that such payment be picked up at the customer's local address in Big Springs.

B. Bills not paid by the 10<sup>th</sup> day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the village clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid by the 30<sup>th</sup> day of the month, it shall be discretionary with the Village Board to cut off service in compliance with Section 7-106. In the event that water is shut off, there shall be assessed against the customer a reconnection fee in an amount set by resolution of the Village Board to compensate the village for the additional hookup necessary to provide water service again to the delinquent customer.

C. For any village utilities provided to any tract of land or residence, the legal owner of said tract or residence ("owner") is the ultimate responsible party for payment of services provided, regardless of the user or person to whom the statement for services is sent. The village shall cause notice of non-payment to be served upon the owner of the tract of land or residence for which the services were provided when payment for the service(s) are 30 days delinquent, by regular U.S. Mail to the last address of said owner identified at the Deuel County Treasurer's Office. Failure of the village to send notice or the failure of the owner to receive said notice does not release the owner from liability for utility services. Unpaid and delinquent bills for utility services may be assessed by the village against the real estate for which the utility services were provided as allowed by law. Said assessments may be collected and enforced as any other special assessment.

D. Current customers of the village for water service who wish to disconnect such service for a period of time due to absence for vacation are hereby charged a disconnect fee and reconnect fee as set by resolution by the Village Board and kept on file in the office of the village clerk.

(Neb. Rev. Stat. §§17-538, 17-542) (Ord. Nos. 214, 3/13/07; 257, 5/2/17)

### **SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**

A. No village utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

B. Prior to the discontinuance of service to any domestic subscriber by a village utility, the subscriber upon request shall be provided a conference with the Village Board, which has established procedures to resolve utility bills when a conference is requested. Such procedures, as provided in Neb. Rev. Stat. §§70-1603 through 70-1611 and which shall be on file in the office of the village clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The board shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

C. This section shall not apply to any disconnections or interruptions of service made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.  
(Neb. Rev. Stat. §§70-1603 to 70-161)

#### **SECTION 7-107: LIEN**

In addition to all other remedies, if a consumer shall for any reason remain indebted to the village for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the village clerk to report quarterly to the Village Board a list of all unpaid accounts due for utilities which are more than 60 days delinquent, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

#### **SECTION 7-108: DIVERSION OF SERVICES; UNLAWFUL ACTS**

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the village, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the

knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-106 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. Rev. Stat. §28-515.02)

### **SECTION 7-109: DIVERSION OF SERVICES; PENALTY**

A. The village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a village utility. The village may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

B. In any civil action brought pursuant to this section, the village shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the village may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer-controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and

additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §§25-21,276 through 25-21,278)

## **Article 2 – Water Department**

### **SECTION 7-201: OPERATION AND FUNDING**

A. The village owns and operates the Water Department through the utilities superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the village treasurer.

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his or her office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

### **SECTION 7-202: DEFINITIONS**

The following definitions shall be applied throughout this section. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the village.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

### **SECTION 7-203: CONNECTION TO WATER SYSTEM**

A. The village through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the Village Board, to hook up with the village water system.

B. The village may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe

and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each primary structure hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

(Neb. Rev. Stat. §17-532)

D. Private wells previously constructed and operating prior to the village's establishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health.

(Neb. Rev. Stat. §17-532)

#### **SECTION 7-204: SERVICE TO NONRESIDENTS**

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nonresidents shall pay such tap fees as have been set by the board by resolution. Nothing herein shall be construed to obligate the village to provide water service to nonresidents. (Neb. Rev. Stat. §§17-537, 19-2701)

#### **SECTION 7-205: PLUMBING; LEAD-FREE**

Any pipe, solders or flux used in the installation or repair of any residential or non-residential plumbing system which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Am. Ord. No. 255, 12/6/16)

#### **SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE**

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

#### **SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE**

A. The village shall pay the cost of tapping the water main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his or her duly authorized agent shall tap the main. The customer shall pay a tap fee as provided in Section 7-103 in such sum as the superintendent shall require in each case, pursuant to resolution of the Village Board. The customer shall pay a deposit fee for the meter as set by resolution of the board.

B. Excluding the above costs of tapping the main, installing the meter and installing the stop box, the customer shall, at his or her own expense, bring water service from the main up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersal.



C. Non-residents shall pay such tap fees and installation charges in such sums as the utilities superintendent, pursuant to resolution of the Village Board, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

D. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utilities superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises.

(Neb. Rev. Stat. §17-542)

## **SECTION 7-208: NEW MAIN INSTALLATION**

The village shall not be required to extend water service at its own expense to any lot which does not abut a street at a place where a commercial water main is in existence at the time the service shall have been applied for. The cost of the extension of any water main(s) for service to a specific consumer shall be borne by the water applicant. Where water mains are extended, the village may furnish all labor and equipment necessary for the installation of the mains and services and shall charge the applicant the actual costs thereof. The village shall be the owner of any water mains and shall maintain and replace the same at no cost to the applicant or user. Fire hydrants and valves pertaining to hydrants will be paid for out of the water fund. In cases where construction of the main requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

## **SECTION 7-209: REPAIRS AND MAINTENANCE**

A. The village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersal. Repairs to the service pipe shall be made by and at the expense of the customer. When leaks occur in service pipes, the utilities superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent. All other repairs to the property of the Water Department, including the meter, shall be made by the village.

B. All water meters shall be kept in repair by the village at its expense. When meters are worn out, they shall be replaced and reset by the village at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the village shall bear the expense of such test. The village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the village shall always have the right to place a new meter on the customer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent.

## **SECTION 7-210: PLUMBER'S LIABILITY**

All work by plumbers shall be done in the manner required by the utilities superintendent and shall be at all times subject to the inspection and approval of the superintendent. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utilities superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

## **SECTION 7-211: INSTALLATION OR REPAIR PROCEDURE**

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the utilities superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

C. All installations or repairs of pipes require two inspections by the utilities superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.  
(Neb. Rev. Stat. §§17-537, 71-5301)

## **SECTION 7-212: WATER RATES**

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

## **SECTION 7-213: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the village on the account of the Water Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing, collection, termination and reconnection procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

## **SECTION 7-214: RIGHT OF ENTRY FOR INSPECTION**

The utilities superintendent or his or her duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

## **SECTION 7-215: DESTRUCTION OF PROPERTY**

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the utilities superintendent.

#### **SECTION 7-216: FIRE HYDRANTS**

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

#### **SECTION 7-217: POLLUTION**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

#### **SECTION 7-218: BACKFLOW PREVENTION/CROSS-CONNECTIONS; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING**

A. A customer of the Water Department may be required by the utilities superintendent to install and maintain at his or her expense a properly located backflow prevention device appropriate to the potential hazards set forth in Nebraska Department of Health, Title 179, and approved by the utilities superintendent.

B. The customer shall make application to the utilities superintendent to install a required backflow prevention device on a form provided by the village. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number. The superintendent shall approve or disapprove the application based on his or her opinion of whether such installation will protect the village water distribution system from potential backflow and cross-connection hazards.

C. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a licensed plumber, if applicable.

D. Every backflow prevention device equipped with a test port shall be tested as often as required by the village but at least once each year by a Grade 6 certified water operator, with test results certified to the village as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a form available at the office of the village clerk.

E. All customers of the Water Department shall be required to report to the utilities superintendent at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the utilities superintendent may be appealed to the Village Board.

#### **SECTION 7-219: RESTRICTED USE**

The Village Board or the utilities superintendent may order a reduction in the use of water

or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The village shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the village has no control. (Neb. Rev. Stat. §17-537)

#### **SECTION 7-220: COMMERCIAL LIVESTOCK WATERING OPERATIONS**

No commercial livestock operations shall be allowed within the limits of the village unless such operation shall have first obtained permission from the Village Board.

#### **SECTION 7-221: WELLHEAD PROTECTION PROGRAM; PURPOSE**

The purpose of the Wellhead Protection Program is to ensure that the public water supply of the village meets the requirements of the Nebraska Department of Health and Human Services (HHS) at all times. The Wellhead Protection Program is designed to prevent microbiological contamination of the well supplying water to the village water system.

#### **SECTION 7-222: WELLHEAD PROTECTION PROGRAM; IDENTIFICATION OF EXISTING WELLS**

It shall be the duty of all persons who are the owners of existing potable and non-potable wells located within the village or within one mile of the corporate limits of the village to register said potable and non-potable wells with the village clerk. Such registration shall include the location of the well, the date such well was placed into service (if known), the diameter and depth of the well, whether the well is potable or non-potable, the current use of the well and water supplied therefrom, and any other information requested or required by the public works commissioner. In the event that any landowner fails or refuses to register such wells, the utilities superintendent or his or her duly authorized agent shall have the authority to enter upon the landowner's property for the purpose of acquiring well registration information.

#### **SECTION 7-223: WELLHEAD PROTECTION PROGRAM; PROTECTION AREA**

A wellhead protection area shall be established surrounding each existing village well providing water to the village water supply. The protected area shall be the area within a 1,000 foot radius or within a one-year time-of-travel distance from the village well, whichever area is greater. The protection area shall be delineated upon an official map maintained by the utilities superintendent.

#### **SECTION 7-224: WELLHEAD PROTECTION PROGRAM; NEW WELLS; DISTANCE**

No new wells shall be allowed to be drilled by any person within a 1,000 foot radius around all existing village wells serving the village water supply and any new village wells that may be drilled in the future, pursuant to Title 179, Chapter 2 of the regulations governing public water supply systems promulgated by HHS, Division of Public Health, as currently in existence or as may be amended from time to time. (Ord. No. 227, 11/2/10)

#### **SECTION 7-225: WELLHEAD PROTECTION PROGRAM; PERMIT REQUIRED**

A. No well shall be drilled by private individuals or commercial drillers within the village or within one mile of the corporate limits of the village without first obtaining a permit from the Village Board. Applications for such permit shall be available at the office of the village clerk during regular business hours. Permits are to be issued by the Village Board only after a determination by the utilities superintendent or his or her duly authorized agent that there is no threat of contamination to any village well or to the underground

water supply. The Village Board shall deny the application and no permit shall be issued if the board determines that such action is necessary to protect the village wells from possible contamination. All new wells within the village must meet or exceed the requirements of Title 179 of the regulations governing public water supply systems promulgated by the Nebraska HHS.

B. In addition to wells, it shall be unlawful to allow the following additional facilities or acts within the specified footage of any village public water supply well. No person, corporation, or other legal entity shall drill and/or operate any of the below-named facilities without first having obtained the proper permit as provided above.

Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS 4/4/10)

**SECTION 7-226: WELLHEAD PROTECTION PROGRAM; WELLS REMOVED FROM SERVICE**

The Village Board may, in its discretion, require any potable or non-potable wells located within the village or within one mile of the corporate limits of the village to be immediately removed from service and an approved plug be put in the casing if the board determines that such well is an immediate threat of contamination to the village water supply or to groundwater.

**SECTION 7-227: WELLHEAD PROTECTION PROGRAM; SOURCE OF CONTAMINATION**

The utilities superintendent or his or her duly authorized agent shall use every means available to identify all potential sources of chemical or microbiological contamination within the wellhead protection area. He or she shall have the authority to enter upon the property of any resident of the village within one mile of the corporate limits of the village for the purpose of inspection to identify potential sources of chemical or microbiological contamination of the village water supply. All persons shall cooperate with the superintendent or his or her duly authorized agent by providing answers to questionnaires or surveys. Failure by any person to respond to a survey or questionnaire from the utilities superintendent or his or her duly authorized agent attempting to identify sources of chemical or microbiological contamination shall be deemed to be a violation of this section.

**SECTION 7-228: WELLHEAD PROTECTION PROGRAM; MANAGEMENT AND PREVENTION**

The utilities superintendent shall manage all identified potential sources of chemical and microbiological contamination within the protection area to prevent contamination of the village wells and shall have the authority to request assistance from HHS.

## **SECTION 7-229: WATER EMERGENCY; DEFINITIONS; CLASSES OF USE**

A. The following definitions shall be applied throughout this ordinance. Where no definition is specified, the normal dictionary usage of the word shall apply:

1. "Water" shall mean water available to the village for treatment by virtue of its water rights or any treated water introduced by the village into its water distribution system, including water offered for sale at any coin-operated site.
2. "Customer" shall mean the customer of record using water for any purpose from the village's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
3. "Waste of water" includes but is not limited to (a) permitting water to escape down a gutter, ditch, or other surface drain; or (b) failure to repair a controllable leak of water due to defective plumbing.

B. The following classes of uses of water are established:

1. *Class 1:* Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
2. *Class 2:* Water used for any commercial or industrial purpose, including agricultural, except water actually necessary to maintain the health and personal hygiene of bona fide employees while they are engaged in the performance of their duties at their places of employment.
3. *Class 3:* Domestic usage, other than that which would be included in either Classes 1 or 2.
4. *Class 4:* Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

## **SECTION 7-230: WATER EMERGENCY; DECLARATION OF WATCH, WARNING, OR EMERGENCY**

A. Whenever the Village Board finds that conditions indicating that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official village newspaper.

B. Whenever the Village Board finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official village newspaper.

C. Whenever the Village Board finds that an emergency exists by reason of a

shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official village newspaper.

#### **SECTION 7-231: WATER EMERGENCY; VOLUNTARY CONSERVATION**

Upon the declaration of a water watch or water warning, the village chairman is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including but not limited to limitations on the following uses: (A) sprinkling of water on lawns, shrubs or trees, including golf courses; (B) washing of automobiles; (C) use of water in swimming pools, fountains and evaporative air conditioning systems; and (D) waste of water.

#### **SECTION 7-232: WATER EMERGENCY; MANDATORY CONSERVATION MEASURES**

Upon the declaration of a water supply emergency, the chairman is also authorized to implement certain mandatory water conservation measures including but not limited to the following:

A. Suspension of new connections to the village's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the village prior to the effective date of the declaration of the emergency;

B. Restrictions on the uses of water in one or more classes of water use, wholly or in part;

C. Restrictions on the sales of water at coin-operated facilities or sites;

D. The imposition of water rationing based on any reasonable formula including but not limited to the percentage of normal use and per capita or per consumer restrictions;

E. Complete or partial bans on the waste of water; and

F. Any combination of the foregoing measures.

#### **SECTION 7-233: WATER EMERGENCY; EMERGENCY WATER RATES**

Upon the declaration of a water supply emergency, the Village Board shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for but are not limited to: (A) higher charges for increasing usage per unit of use (increasing block rates); (B) uniform charges for water usage per unit of use (uniform unit rate); or (C) extra charges in excess of a specified level of water use (excess demand surcharge).

#### **SECTION 7-234: WATER EMERGENCY; REGULATIONS**

During the effective period of any water supply emergency, the village chairman, water commissioner, or any village official is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the Village Board at its next regular or special meeting.

## **SECTION 7-235: WATER EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES**

A. If the chairman, water commissioner, or other village official charged with implementation and enforcement of this ordinance or a water supply emergency resolution learns of any violation of any water use restrictions imposed herein, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the village who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the village determines is reasonable under the circumstances.

B. If the order is not complied with, the village may terminate water service to the customer subject to the following procedures:

1. The village shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the Village Board or a village official designated as a hearing officer;
2. If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
3. The Village Board or hearing officer shall make findings of fact and order whether service should continue or be terminated.

C. A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be increased for the second and subsequent reconnections. Said fees shall be set by the Village Board and kept on file in the office of the village clerk for public inspection.

## **SECTION 7-236: WATER EMERGENCY; AUTHORIZATION**

Nothing in this ordinance shall limit the ability of any properly authorized village official to terminate the supply of water to any or all customers upon the determination of such official that emergency termination of water service is required for protection of the health and safety of the public.

## **Article 3 – Sewer Department**

### **SECTION 7-301: OPERATION AND FUNDING**

A. The village owns and operates the sewer system through the utilities superintendent. The Village Board, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the sewer maintenance fund.

B. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board.



The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

## **SECTION 7-302: DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

"Building or house sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"Public sewer" shall mean a sewer that is controlled by public authority.

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Utilities superintendent" shall mean the utilities superintendent of the village sewage system or his or her authorized deputy, agent or representative.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES**

A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any unsanitary manner on public or private property within the village, within one mile of the corporate limits thereof, or in any area under the jurisdiction of said village.

B. It shall be unlawful to discharge to any natural outlet within the village, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other similar facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, subsurface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs, which shall be as determined by the utilities superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the village sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the village shall have the right to secure the abatement of any connection or discharging violation of this section.

#### **SECTION 7-304: CONNECTION TO SEWER SYSTEM**

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the village is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ~~90~~ten days after date of official notice to do so, provided that said public sewer is within ~~400~~300 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the Village Board, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

### **SECTION 7-305: SERVICE TO NONRESIDENTS**

The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to nonresidents. (Neb. Rev. Stat. §19-2701)

### **SECTION 7-306: INSTALLATION EXPENSE; TAP FEE**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the village, as provided in Section 7-103, which compensates the village for the expense of processing the application and tapping the sewer main. The utilities superintendent in his or her discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

### **SECTION 7-307: REPAIRS AND MAINTENANCE**

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board.

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utilities superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.

(Neb. Rev. Stat. §18-1748)

### **SECTION 7-308: PLUMBER'S LIABILITY**

All work by plumbers shall be done in the manner required by the utilities superintendent and shall be at all times subject to the inspection and approval of the superintendent. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utilities superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

### **SECTION 7-309: INSTALLATION AND REPAIR**

All installation or repair of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, reg-

ulations, and specifications on file with the village office and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

### **SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS**

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the utilities superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the superintendent shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

### **SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

### **SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE**

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the utilities superintendent for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

### **SECTION 7-313: SEWER RATES**

A. All sewer customers shall be liable for the minimum rate provided by ordinance. Customers of the Sewer Department shall be charged a flat rate for the use of sewer service.

B. Each user will be notified at least annually, along with a regular bill, of the rate and that portion of the user charges *ad valorem* taxes which are attributable to wastewater treatment.

(Neb. Rev. Stat. §§17-925.02, 18-509)

### **SECTION 7-314: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers, collect all money received by the village on the account of the Sewer Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing, collection, termination and reconnection procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

## **SECTION 7-315: MANHOLES**

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

## **SECTION 7-316: DESTRUCTION OF PROPERTY**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

# **Article 4 – Solid Waste**

## **SECTION 7-401: DEFINITIONS**

In the administration of this article, the following definitions shall prevail:

"Garbage" shall mean kitchen refuse, leaves, grass clippings, and all other refuse generated by household and business use, including tree limbs, which may fit into the dumpsters furnished by the village, excluding the following: batteries, petroleum products, hazardous chemicals or materials of any kind, tires, and appliances. These excluded items may not be deposited in the dumpsters furnished by the village.

"Rubbish" or "trash" shall mean discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the village.

"Waste" shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

"Yard waste" shall mean grass and leaves.

## **SECTION 7-402: CONTRACT FOR COLLECTION; BILLING**

The Village Board may, from time to time, by resolution, enter into a contract with a solid waste collection company or companies for the collection, transportation and disposal of all garbage, rubbish, trash and waste generated in the village. The bills will be joint utility bills along with water and sewer. (Neb. Rev. Stat. §19-2106)

## **SECTION 7-403: OWNER'S RESPONSIBILITY**

It shall be unlawful for any person to keep in, on or about any dwelling, building or premises or any other place in the village any decayed vegetable or animal substances, garbage, or refuse matter of any kind which may be injurious to the public health or offensive to the residents of the village unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly airtight as may be practical. All persons shall have the contents of such receptacles removed ~~at least once a week~~ regularly by the village's contract waste hauler. (Neb. Rev. Stat. §19-2106)

## **SECTION 7-404: DEAD ANIMALS**

All dead animals shall be immediately removed and buried by the owner of such animals.

If the owner of such animal cannot be found within two hours after discovering the same, such animal shall be removed by and at the expense of the village. Dead animals shall not be buried within the corporate limits of the village, nor within one mile thereof, nor in or above the course of groundwater that is used for drinking purposes by the village or its inhabitants.

#### **SECTION 7-405: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING**

Any person, firm, or corporation generating or creating hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated. (Neb. Rev. Stat. §81-1516)

### **Article 5 – Penal Provision**

#### **SECTION 7-501: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.