

## **CHAPTER 7 – PUBLIC UTILITIES**

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## CHAPTER 7 – PUBLIC UTILITIES

### Article 1 – Utilities Generally

#### SECTION 7-101: MUNICIPAL POWERS; RATE SETTING

The Village currently owns and operates a water supply and distribution system, sanitary sewer disposal and treatment system and electrical system. The Village has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system and electricity used or supplied by the electrical system. The Village Board is authorized to establish by ordinance such rates for water, sewer and electrical service as may be deemed fair and reasonable. All such rates, taxes or rent shall be on file in the office of the village clerk for public inspection. Said rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. (Neb. Rev. Stat. §17-538)

#### SECTION 7-102: BILLING AND COLLECTIONS; DELINQUENCY

A. Charges for water, sewer and electrical services shall be billed jointly on a monthly basis. Utility bills shall be mailed on or about the 1st day of each month, and shall be due and payable by the 15th day of each month. Bills not paid by the 15th day of each month shall be deemed to be delinquent and shall have a penalty charged added thereto in the amount of 10% of the outstanding charges for electrical service.

B. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, 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 rental until the water is turned on again.

C. All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall by written order direct the utilities superintendent to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again.

D. The Village may discontinue service pursuant to Section 7-103 upon deeming a customer to be delinquent as herein defined. Once discontinued, service shall not be recommended except upon payment in full of all delinquent charges and upon further payment of a reconnection fee in such amount as has been set by the Village Board and placed on file at the office of the village clerk. The Village may also take any action authorized by law to effect collection of the delinquent charges. Before reconnection, testing of water at the site of disconnected or otherwise inactive service is required pursuant to Section 7-213.

(Neb. Rev. Stat. §17-542, 17-902, 17-925.01, 18-416, 19-1404) (Ord. No. 360, 10/28/03)

**SECTION 7-103: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

A. The Village shall not discontinue utility service to any domestic subscriber for nonpayment of any past-due account unless the Village first gives 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.

B. Prior to the discontinuance of service to any domestic subscriber by the Village, the domestic subscriber, upon request, shall be provided a conference with the Village Board. The board has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three copies of which are 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 of this section as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Village 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 services 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, 70-1604)

**SECTION 7-104: LIEN**

In addition to all other remedies, if a customer shall for any reason remain indebted to the Village for utilities service 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 furnished. The village clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the village clerk to report to the Village Board from time to time a list of all unpaid accounts due for utilities service, together with a description of the premises served. Each 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 7-105: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE**

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 water, without the knowledge and consent of the Village, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing

through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, or water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

B. 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 or water passing through it, without the knowledge and consent of the Village shall be deemed guilty of an offense.

C. When electrical or water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or 7-103 of this code, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist.

(Neb. Rev. Stat. §86-329 through 86-331)

#### **SECTION 7-106: 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 (1) bypassing, (2) tampering or (3) 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, 25-21,277)

## **SECTION 7-107: EXCAVATIONS**

A. Backfilling and compaction of excavations shall follow as a closely after the construction as possible. All excavations shall be backfilled with approved material up to the original surface of the ground unless otherwise approved. No backfill shall be made with material containing stone, large clods, frozen earth or debris of any kind.

B. Backfilling shall not be done in freezing weather, except by permission of the engineer nor shall any fill be made where the material already in the trench is frozen. If construction proceeds at any time when frozen material is encountered and frozen material is placed in the trench line, all such trenches shall be compacted in the spring after frost conditions are no longer present. This compaction of the trench shall include the removal of all material to a depth of 12 inches (300 mm) below the depth of the frozen material and the replacement and compaction of the trench to the proper grade with suitable material. Care shall be exercised in backfilling so as not to damage any finished work. The backfill shall be brought up evenly on both sides of the utility or structure.

C. Jetting or hydro-flushing of the backfill shall not be permitted. Care shall be taken to ensure that the utility is properly bedded with material of an approved density. The initial 12 inches (300 mm) of backfill above the top of the pipe shall be carefully placed to protect the pipe bedding from further backfilling operations. The backfill material shall be compacted to a minimum density of 95% of the maximum dry density of the material as determined by AASHTO Method T-99 in the top 4 feet below the existing street grade or surface. The balance of the backfill material shall be compacted to at least 92% of the maximum dry density of the material as determined by AASHTO Method T-99. The moisture content of the soils shall be 2% below the optimum moisture content or above, as determined by the above test.



D. The backfill compaction applies to the 95% rule only if excavations are done on streets, alleys, roadways, driveways or any other traffic way that is public property in the Village.

E. All streets, roadways, alleys or any other traffic areas will have the same type of road surface put back at proper street or roadway level to meet or exceed the original surface.

F. Backfill on ditchways or any other public property not a street or used primarily by vehicle traffic can be backfilled at 80% compaction rate. Any areas of these types must be graded to ensure proper water drainage and should be reseeded with grass or put back in the same landscape appearance that it was found or in a better state of landscaped condition than it was found.

G. Any such persons doing work or causing work to be done for them can be fined for not restoring an excavation site on public property back into the condition that it was originally found and for not complying with the rules of this section.

H. The Village, its employees or persons who are contracted for the Village to do work shall comply with these rules as well with the understanding that some contracted jobs may require a longer time frame to complete and put conditions back to original shape before excavation.

I. Any excavations that are listed in this section will be done in a timely manner so as not to interrupt normal traffic flow or use of roadways as an extent to cause major duress to the resident users of the street, roadway, alley or traffic thoroughfare. "A timely manner" shall mean no more than two weeks or ten working days except in adverse weather conditions that do not allow for the work to be done in this time frame. If for any reason this cannot be done, the person who is having the work performed shall contact the village clerk to communicate about the delay and request an extension of the time to complete the backfill at the site of excavation.

J. Any excavation made on public rights of way or any other type not used for vehicle travel can be pushed closed temporarily instead of backfilled by the rules in the event that the backfill material is frozen and unable to be tamped back in. The village clerk will be advised if this needs to be done until the weather allows for proper completion. After said area thaws, then it will be backfilled properly with any sloping and seeding that may be required to put the site back to normal condition. No measurement or direct payment will be made for any backfill or compaction required as part of the work. The costs of backfill and compaction will be considered subsidiary to other items for which direct payment is made.

K. The type of excavation can be as listed herein and could also be any other types not listed but where excavation of the earth was necessary to complete a job:

1. Bury drainage pipes;
2. Bury sewer pipes;
3. Bury water pipes;
4. Bury telephone lines;
5. Bury gas lines;
6. Bury electrical lines.

L. Any person who does not comply after adequate notice by the village clerk to complete the excavation will be billed for any and all costs to put the public property of both types back to the original condition in which they were found. Also said person will be billed for any clerical or legal fees that might occur while in the process of having such person complete his or her excavation site. If said person does not pay within six months after the bill was sent, there will be a lien on said property on which the excavation was done or the bill will be turned over to a collection agency.

M. Adequate notice from the Village shall consist of a verbal notice by either the village clerk, a board member, maintenance man or representative to complete the job in five business days. If not completed, a second notice will be given in written form. If not then completed, the Village may complete the excavation by whatever methods that the Village Board or its representatives decide to complete the site of the excavation that was in violation of this section .

N. Any person who shall violate or refuse to comply with this section shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have committed every 48 hours of such failure to comply.  
(Am. by Ord. No. 344, 5/30/00)

## Article 2 – Water Department

### SECTION 7-201: OPERATION AND FUNDING

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. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of the office. The utilities 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 board. The Village 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 Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Consumer" or "customer" shall be the owner of the private property, or in the case that a person or entity other than the owner has made application and holds a separate contract for service with the Village, then, the person with whom the Village has a contract for service with.

"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.

"Right of way" is any property owned by any political subdivision.

"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" is defined as any pipe connected to the village main used to deliver water to an individual consumer.

"Service pipe" is 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.

(Am. by Ord. No. 386, 3/10/09)

### **SECTION 7-203: MANDATORY HOOKUP**

All persons whose property abuts a main that is now or may be hereafter be laid shall be required, upon notice by the Village Board, to hook up with the village water system. (Neb. Rev. Stat. §17-537)

### **SECTION 7-204: CONSUMER'S APPLICATION; SERVICE DEPOSIT; SERVICE TO NONRESIDENTS**

A. Every person or persons desiring a supply of water must make application therefor to the utilities superintendent. The utilities superintendent may require any applicant to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

B. 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. 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: WATER CONTRACT; NOT TRANSFERABLE**

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. The Village may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a commercial main is now or may hereafter be laid.

B. The rules, regulations, and water rates hereinafter named in this article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Village, 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 or place of such violation. No further connection for water service to said building, premises, or place shall again be made except by order of said superintendent or his

agent.

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 utilities superintendent, 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 superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

### **SECTION 7-206: MINIMUM STANDARD FOR WATER MAINS**

It is hereby found and determined by the Village Board that a minimum standard for water mains is needed to ensure adequate operation of the village water distribution system for the purpose of providing adequate fire flows and providing adequate volume to its distribution customers. In accordance with the ten-state standards and the village civil engineer, there shall be no water distribution mains placed on the water distribution system less than 6 inches in diameter. The pipe material shall consist of PVC and/or ductile iron no less than SDR 18 or, in material terminology, C-900. The minimum standard shall apply to all construction upon the existing village water distribution system and any future extension of the system. (Ord. No. 356, 1/28/03)

### **SECTION 7-207: INSTALLATION PROCEDURE; LEAD PROHIBITED**

A. All installations or repairs of pipes require two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the utilities 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 utilities superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. See Section 7-107.

B. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility 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 8% lead.

(Neb. Rev. Stat. §17-537, 71-5301)

### **SECTION 7-208: WATER METERS REQUIRED**

A. Each water consumer's premises shall be equipped with a water meter and it shall be unlawful for any person to obtain unmetered water from the village water system without the consent of the Village. The Water Department shall not supply

water service to any consumer whose premises are not metered in accordance with the provisions of this section.

B. Water meters and related parts and equipment shall be installed at the expense of the owner of the premises.

C. The Water Department is authorized to enter a premises for the purpose of doing all things reasonably necessary to install, repair, inspect, replace or read a water meter and related parts and equipment. The Department shall provide at least 24 hours advance notice of entry upon any premises for the purposes set out in this ordinance. Notice shall be given by leaving a written notice of the proposed entry at the premises to be entered. No other notice is required and in the event of an emergency, notice is not required.

D. Water service shall be discontinued to any premises not in compliance with any provision of this section. Discontinued water service shall be resumed to a premises only upon compliance with all the provisions of this section.

(Ord. No. 358, 8/12/03)

#### **SECTION 7-209: PLUMBER; CERTIFICATE OF INSURANCE**

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks until such plumber or pipefitter has given a certificate of insurance in the amount of \$1,000,000.00 to the Village. All plumbing shall be done in the manner required by the Village Board. The said plumber shall at all times be subject to the inspection and approval of the utilities superintendent, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Neb. Rev. Stat. §17-537) (Am. by Ord. No. 318, 1/27/98)

#### **SECTION 7-210: INSTALLATION EXPENSE; TAP FEE**

A. The owner of the property shall be required to pay a tap fee prior to beginning installation for all lines of 1 inch or less. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection.

B. The Village will provide a meter, MIU unit, tapping saddle, corporation stop, curb stop, three flare x poly barb fittings, curb stop box, curb stop rod, and locate wire. The Village will excavate to the water main and expose the main and then install the saddle and tap the main. The property owner's plumber will be responsible for the installation of the meter and the service to the house from the stop box to the point of dispersement. After the meter is installed, the Village will do an inspection. The Village will return the street, alley, and sidewalk to good condition.

C. The tap fee will include a remote meter and curb stop, except for those taps with a line larger than 1 inch with the additional costs to be paid by the property owner. The Village prior to installation shall approve curb stops and meters for lines larger than 1 inch.

D. It shall be unlawful for any consumer to install a meter pit in new construction.

E. Multiple-family dwellings will require individual curb stops and meters.  
(Neb. Rev. Stat. §17-537, 17-542) (Am. by Ord. Nos. 361, 2/5/04; 372, 7/26/05)

### **SECTION 7-211: CLASSIFICATION**

The Village Board may classify the customers of the water system for the purpose of water rates, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

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

Procedures for billing, collections and delinquent accounts are set forth in Section 7-102.

### **SECTION 7-213: RECONNECTION TESTING REQUIRED**

A. Any customer or potential customer of the village water system shall contact the village clerk's office to arrange for the testing of water at the individual customer's location in the event the service has been disconnected or inactive for more than 180 consecutive days, prior to a connection being activated or reconnected to the water system.

B. Upon contacting the village clerk, a time shall be arranged to activate the customer's service line for the purpose of cleaning, inspecting, and sampling at the Village's discretion. The water system personnel or a designee shall take a water sample from the customer's premises and have it tested at the Nebraska state lab for possible coliform or E. coli presence in the sample. The customer's water service shall remain disconnected from the water distribution system until passage of both tests.

C. The cost of the water sample shall be paid by the customer requesting service from the Village. The customer's water service shall not be connected until the cost of all testing has been paid for in full and any other application fees have been paid to the village clerk.

D. In the event the customer's service does not meet standards and/or does not pass the fecal coliform test, the customer at his or her expense shall correct the problem immediately. The customer can request assistance from village water personnel but the Village is not obligated to assist with privately owned services, plumbing, or their appliances.

(Ord. No. 385, 2/24/09)

**SECTION 7-214: REPAIRS AND MAINTENANCE**

A. The consumer shall repair and replace, as the case may be, all supply pipe between the right of way line and the stop box on the his or her property, as well as all service pipe from the stop box to the place of dispersement. The Village shall be responsible for the maintenance of all water mains and privately owned water services connected to the water distribution system located in publicly owned right of way.

B. Upon learning there is a leak, failure, or maintenance problem with any water main and or privately owned water services connected to water distribution system, village personnel or a designee shall make arrangements to mitigate whatever problem needs to be addressed. Village personnel or a designee shall contact the Nebraska One Call system prior to any excavation anywhere within the State of Nebraska.

C. In the event the leak, failure or maintenance problem is located outside of the public right of way, then the cost shall be that of the consumer, and the full cost of repair shall be his or her responsibility. In the event the leak, failure or maintenance problem is located within the public right of way, the cost of the repair shall be paid by the Village unless the repair was caused by an intentional act or negligence of an entity other than the Village. In the event the repair is needed as the result of action by another party, the cost shall be borne by the person causing the damage or the need for the repair.

D. Should the negligent party be the owner and or consumer of the service in need of repair or maintenance, the owner shall pay the full cost of said repair within 30 days of the repair. If the owner or consumer fails to pay within 30 days of the final repair, the water service shall be disconnected until full payment has been received. (Neb. Rev. Stat. 17-537) (Ord. No. 386, 3/10/09)

**SECTION 7-215: BACKFLOW PREVENTION**

A. It shall be unlawful for any customer or other person to cause, allow, or create any physical connection between the water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the system.

B. At least one time every five years, customers of the Water Department shall be required to assess and report potential backflow and backsiphonage hazards to the Village on a form supplied by the Village. The customer shall at his or her own expense take any steps necessary for the protection of public health and safety as determined by the Village Board.

C. At its discretion, the Village Board may conduct, or have conducted, an inspection of a customer's plumbing system. If such inspection discloses any hazard to



the public health and safety, the board may have installed a device or devices that will remedy the problem. The cost of installation of such device or devices shall be charged to the owner of the premises upon which installed.

D. Service shall be discontinued to the premises of any owner or occupant who refuses or fails to comply with the provisions of this subsection; however, such owner or occupant shall, upon request, be provided a conference with the Board of Trustees prior to discontinuation. Such conference shall be conducted in accordance with the written procedure adopted by the board, a copy of which may be obtained from the village clerk's office.

#### **SECTION 7-216: FLUORIDE PROHIBITED**

Fluoride shall not be added to the water supply of the Village.

#### **SECTION 7-217: SINGLE PREMISES; PROHIBITED ACTS**

No consumer shall supply water to other families or allow them to take water from his or her premises nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension, or attachment without the written permission of the utilities superintendent. (Neb. Rev. Stat. §17-537)

#### **SECTION 7-218: 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 7-219: 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 members of the Fire Department under the orders of the fire chief or the assistant fire chief or 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 7-220: 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. (Neb. Rev. Stat. §17-536)

**SECTION 7-221: RIGHT OF ENTRY FOR INSPECTION**

The utilities superintendent 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 7-222: RESTRICTED USE**

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 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 7-223: WATER EMERGENCY; PURPOSE**

The purpose of this section is to adopt a plan for the declaration of a water supply watch, warning or emergency. This includes the implementation of voluntary or mandatory water conservation measures throughout the Village in the event that a watch, warning or emergency is declared. This plan shall be known as the Village Water Saving Plan. (Ord. No. 378, 8/8/06)

**SECTION 7-224: WATER EMERGENCY; STAGES OF WATER USE**

The following stages of water use are hereby established for users of water on the village water system: The conservation stages are listed below:

A. Stage 1: Water used for outdoor watering; public or private, for gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; or the washing of any motor vehicles, boats, trailers, or the exterior of any building or structure.

B. Stage 2: Water used for any commercial, industrial, or agricultural process; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

C. Stage 3: Domestic usage, other than that included in either Stage 1 or Stage 2.

D. Stage 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.  
(Ord. No. 378, 8/8/06)

**SECTION 7-225: WATER EMERGENCY; DEFINITIONS**

“Consumer” shall mean the customer of record using water for any purpose from the village 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.

“Drawdown” shall mean the distance between the static water level and the pumping water level.

“Plan” refers to the Village Water Saving Plan.

“Pumping water level” shall mean the level of water in a well when the pump is pumping.

“Static water level” shall mean the level of water in a well when the pump is not pumping.

“Triggers” shall mean significant events that occur that require action under the different stages of this plan.

“Waste of water” includes but is not limited to: (A) permitting water to escape down a gutter, ditch or other surface drain; (B) failure to repair a controllable water leak due to defective plumbing; and (C) other waste as determined by the water system operator and affirmed by the Village Board.

“Water” shall mean water available to the Village by virtue of its water rights introduced by the Village into its water distribution system, including water offered for sale at any coin-operated site.

“Water system capacity” shall mean master water meters on each well must be read daily. Daily consumption is calculated by subtracting the previous day's reading from the current day and added together for each well. Water system demand is determined by dividing the daily consumption by the same population number used in determining the water system capacity. This value is expressed in gallons per capita per day (gpcd).

“Water system production” shall mean for the purposes of this plan, water system capacity is determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The water system operator shall determine the water system capacity on a weekly (or daily) basis from the months of May through October.

(Ord. No. 378, 8/8/06)

**SECTION 7-226: WATER EMERGENCY; STAGE 1: WATER WATCH**

A. *Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen 3 feet below the normal seasonal level.
2. Demand for one day is in excess of 300,000 gallons per day.
3. Drought conditions exist.

B. *Goals.* The goals are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

C. *Education Actions.*

1. The Village will post notices in prominent places describing present conditions and indicating the water supply outlook for the upcoming season.
2. The triggers necessitating the Stage 1: Water Watch will be made available to the public along with a definition of the terms.

D. *Management Actions.*

1. The village wells will be cleaned and flushed to maintain them at their most efficient condition.
2. Leaks will be repaired within 48 hours of detection.
3. The Village will curtail its Stage 1 water usage.

E. *Regulation Action.* It will be requested that the public voluntarily curtail the use of water as defined in Stage 1.

F. *Declaration of a Water Watch.* Whenever the Village Board finds that conditions exist as described in the plan under Stage 1: Water Watch, Triggers, it shall be empowered to declare, by resolution, that a Stage 1: Water Watch exists and implement the steps outlined under this section. The resolution declaring the existence and end of a Stage 1: Water Watch shall be effective upon posting in three prominent places throughout the community where village notices are generally posted.

(Ord. No. 378, 8/8/06)

**SECTION 7-227: WATER EMERGENCY; STAGE 2: WATER WARNING**

A. *Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen five feet below the normal seasonal level.
2. Demand for one day is in excess of 450,000 gallons.
3. Loss of water tower and or well.

B. *Goals.* The goals of this stage are to reduce peak demands by 20% percent and to reduce overall weekly consumption by 10%.

*C. Education Actions.*

1. The Village will post notices in prominent places describing present conditions and indicating the water supply outlook for the upcoming week.
2. The triggers necessitating the Stage 2: Water Warning will be made available to the public along with an explanation of terms.
3. Water conservation articles will be posted in public notice areas.

*D. Management Actions.*

1. The Village will continue to monitor water supplies on a daily basis.
2. Leaks will be repaired within 24 hours of detection.
3. The Village will terminate its usage of water classified in Stage 1 and Stage 2.

*E. Regulation Actions.*

1. An odd/even lawn watering system will be imposed on village residents. Residents with odd-numbered addresses will water on odd days; residents with even-numbered addresses will water on even days. If usage is not reduced, further time restrictions will be imposed.
2. Waste of water will be prohibited.
3. No lawn watering or car washing during this stage
4. No private swimming pools shall be filled. Pools that were filled before Stage 2: Water Warning went into effect may have water added to make up losses through evaporation or splashing. Water lost through draining or through leaks in the pool may not be made up during Stage 2: Water Warning.

*F. Declaration of a Water Warning.* Whenever the Village Board finds that conditions exist as described in the plan under Stage 2: Water Warning, Triggers, it shall be empowered to declare by resolution that a Stage 2: Water Warning exists and implement the steps outlined under this section. The resolution declaring the existence and end of a Stage 2: Water Warning shall be effective upon posting in three prominent places throughout the community where village notices are generally posted.

(Ord. No. 378, 8/8/06)

**SECTION 7-228: WATER EMERGENCY; STAGE 3: WATER EMERGENCY**

*A. Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen 10 feet below the normal seasonal level.
2. Demand for one day is in excess of 700,000 gallons.
3. Loss of well and/or water tower.

B. *Goals.* The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25% and maintain the integrity of the system.

C. *Education Actions.*

1. The Village will post notices daily in prominent places describing present conditions and indicating the water supply outlook for the next day.
2. The triggers necessitating the Stage 3: Water Emergency will be made available to the public along with an explanation of terms.
3. Previous days' summaries of water levels, usage and storage will be made available to the public upon request.
4. The Village will hold public meetings to discuss the emergency, the status of the village water supply and further actions which need to be taken.

D. *Management Actions.*

1. The village water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. The Village will seek additional emergency supplies from other users or from state or federal government.
4. The Village will notify the Cass County Emergency Management Agency and advise it of the status of the system.
5. The water superintendent will make reports to the Village Board at least once a day when a Stage 3: Water Emergency is in effect.

E. *Regulation Actions.*

1. Use of water in Classes 1, 2, and 3 is prohibited.
2. Waste of water will be prohibited.
3. Outdoor water use will be banned.
4. Waste of water will be prohibited.

F. *Declaration of a Water Emergency.* Whenever the Village Board finds that conditions exist as described in this plan under Stage 3: Water Emergency, Triggers, it shall be empowered to declare by resolution that a Stage 3: Water Emergency exists and implement the steps outlined under this plan. The resolution declaring the existence and end of a Stage 3: Water Emergency shall be effective upon posting in three prominent places throughout the community where village notices are generally posted. In the event of a system failure, the village chairperson shall have the authority to declare a Stage 3: Water Emergency.

(Ord. No. 378, 8/8/06)

## **SECTION 7-229: WATER EMERGENCY; FIRST VIOLATION**

The village chairperson or a trustee acting on his or her behalf may issue a written warning to any consumer whose actions violate Stage 2: Water Warning and Stage

3: Water Emergency. Such warning shall advise the consumer that a second violation at the same premises within a six-month period shall result in the issuance of an administrative notice of violation for which a penalty of doubling the water rate to such premises shall be imposed for six months. (Ord. No. 378, 8/8/06)

### **SECTION 7-230: WATER EMERGENCY; SECOND AND SUBSEQUENT VIOLATIONS**

The chairperson or a trustee acting on his or her behalf shall issue a written administrative notice of violation to any consumer violating Stage 2: Water Warning or Stage 3: Water Emergency for a second time. Such notice shall advise the consumer that his or her water rate to the premises shall be doubled for the next six months and that a subsequent violation at the same premises within a six-month period of time shall result in doubling of the water rate to such premises for nine additional months. The consumer shall further be notified that he or she has a right to appeal the issuance of the administrative notice of violation by filing a notice of appeal with the village clerk within ten days of the issuance of the notice. Such appeal shall be heard at the next regular or special meeting of the Village Board. The action shall be final if no appeal is filed within the ten-day period. (Ord. No. 378, 8/8/06)

### **SECTION 7-231: WATER EMERGENCY; EMERGENCY TERMINATION**

Nothing in this section shall limit the ability of the Village Board from terminating the supply of water to any or all customers upon the determination of said officials that emergency termination of water service is required to protect the health and safety of the public. (Ord. No. 378, 8/8/06)

### **SECTION 7-232: WATER EMERGENCY; VIOLATION; PENALTY**

Any person, firm or corporation who shall violate or refuse to comply with any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be fined not less than \$100.00 and 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. (Ord. No. 378, 8/8/06)

### **SECTION 7-233: WELLS AND OTHER FACILITIES; PERMIT REQUIRED; DISTANCE FROM MUNICIPAL WATER SOURCES; VIOLATION; ABATEMENT**

A. From and after the effective date of this section it shall be unlawful for any person, corporation, or other legal entity to drill, install, or operate any of the following facilities within the corporate limits of the Village without first having obtained a permit from the Village Board: Potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock; livestock corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit, the owner of the property on which the proposed facility is to be located shall make application on the form provided by the utilities superintendent. The application shall be presented to the Village Board at any regular meeting or special meeting. After reviewing the application, the board shall approve or deny the permit.

C. Under no circumstances shall the Village Board approve any permit to drill or operate any of the following facilities within the indicated number of feet from the village water wells:

Water well	1,000 feet
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

D. Any nonconforming uses existing on the effective date of this section are exempted.

E. If any of the facilities described in this section are drilled, installed, or operated without first having obtained a permit from the Village Board or within the designated number of feet from the municipal water supply, such facilities shall be deemed a nuisance and the board shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 (Nuisances).



## Article 3 – Sewer Department

### SECTION 7-301: OPERATION AND FUNDING

A. The Village owns and operates the village sewer system. The Village Board, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the system, may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

B. The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He 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.

(Neb. Rev. Stat. §17-149, 17-925.01)

### SECTION 7-302: DEFINITIONS

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

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or 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 sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"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 in which all owners of abutting properties have

equal rights and which is controlled by public authority.

"Sanitary sewer" shall mean a sewer which 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.

"Shall" is mandatory; "may" is permissive.

"Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

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

### **SECTION 7-303: UNLAWFUL DEPOSIT OF WASTES**

It shall be unlawful for any person to place, deposit, or permit to be deposited 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, any human or animal excrement, garbage, or other objectionable waste.

### **SECTION 7-304: UNLAWFUL DISCHARGE OF UNTREATED SEWAGE**

A. It shall be unlawful to discharge to any natural outlet within the Village, or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

B. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in Section 7-321.

**SECTION 7-305: MANDATORY HOOKUP**

A. The owner of all houses, buildings, 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 or combined sewer of the Village, is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article.

B. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of 10 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.

**SECTION 7-306: APPLICATION FOR PERMIT; SERVICE DEPOSIT**

Any person wishing to connect with the sewer system shall make an application therefor to the village clerk. The Village Board may require any applicant to make a service deposit in such amount as it deems necessary. Sewer service may not be supplied to any house or building except upon the written order of the utilities superintendent. (Neb. Rev. Stat. §18-503)

**SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE; SERVICE TO NONRESIDENTS**

A. The Village through the Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village as and when, according to law, the Village Board may see fit to do so; provided, the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Village to provide sewer service to nonresidents.

B. The rules, regulations, and sewer rental rates provided herein shall be considered a part of every application made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Village to which said contract both parties are bound. If the customer 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 vio-

lation. No further connection for water service to said building or premises shall again be made save or except by order of the utilities superintendent.

C. Contracts for sewer 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 customer shall 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 utilities superintendent, who shall cause the water service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-901, 17-902, 18-503)

### **SECTION 7-308: INSTALLATION; PERMIT REQUIRED**

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the utilities superintendent.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the utilities superintendent. A permit and inspection fee for each class of building sewer permit shall be paid to the Village at the time the application is filed, in such amount that has been set by resolution of the Village Board and placed on file in the office of the village clerk.

### **SECTION 7-309: INSTALLATION; EXPENSE; TAP FEE**

A. The owner of the property shall be required to pay a tap fee prior to beginning installation of lines. Such fee shall be set by the Village Board and placed on file in the office of the village clerk.

B. The Village will excavate to the sewer main and expose the main; the Village will then install the saddle and tap the main and supply 4 inch PVC heavy-wall sewer pipe. The property owner's plumber will be responsible for the installation of the sewer line from the property line to the house and after the sewer line is installed, the Village will do an inspection. The Village will return the street, alley, and sidewalk to good condition.

(Neb. Rev. Stat. §19-2701) (Am. by Ord. No. 374, 7/26/05)

### **SECTION 7-310: INSTALLATION; PROCEDURE**

A. All installations or repairs of pipes require two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are

complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. The applicant for the building sewer permit shall notify the utilities superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Village Board or its representative.

B. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board. See Section 7-107.

### **SECTION 7-311: CONSTRUCTION CODES**

A. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply.

B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

C. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the utilities superintendent before installation.

### **SECTION 7-312: TWO PREMISES, SINGLE CONNECTION**

A separate and independent building sewer shall be provided for every building. Except 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.

**SECTION 7-313: USE OF EXISTING SEWERS**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utilities superintendent, to meet all requirements of this section.

**SECTION 7-314: RATES; CLASSIFICATION**

A. Customers of the Sewer Department shall be charged a flat rate based on water usage for the use of sewer service. Rates shall be set by the Village Board by ordinance and shall be on file at the office of the village clerk, available for public inspection during office hours.

B. The Village Board may classify for the purpose of rental fees the customers of the Village Sewer Department; provided, such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(Neb. Rev. Stat. §17-925.02, 18-509)

**SECTION 7-315: USER CHARGE REVIEW**

The Village Board shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

A. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

B. Generate adequate revenues to pay the costs of OM&R;

C. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

**SECTION 7-316: USER NOTIFICATION**

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.

**SECTION 7-317: SEWER BILLS**

Procedures for billing, collection and delinquent accounts are set forth in Section 7-102.

**SECTION 7-318: REPAIRS AND MAINTENANCE**

The Village shall repair or replace all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appur-

tenances from the main to and including the customer's property. 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.

#### **SECTION 7-319: DESTRUCTION OF PROPERTY**

No person or persons 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.

#### **SECTION 7-320: PRIVATE SEWAGE DISPOSAL**

A. Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. At such time as a public sewer becomes available to property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this section and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

C. The type, capacities, location and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.

E. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

#### **SECTION 7-321: PROHIBITED DISCHARGES**

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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.

dent, 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. The costs shall be determined by the utilities superintendent.

C. Specific prohibitions, options for handling hazardous discharges, 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.



## **Article 4 – Electric System**

### **SECTION 7-401: OWNERSHIP**

The Village owns and operates the village electric system. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the 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 Electric Fund and shall remain in the custody of the village treasurer. The utilities superintendent shall have the direct management and control of the electric system and shall faithfully carry out the duties of the office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system, subject to the supervision and review of the Village Board. (Neb. Rev. Stat. §17-902 through 17-904, 17-906, 17-909)

### **SECTION 7-402: CONSUMER'S APPLICATION; SERVICE TO NONRESIDENTS**

Every person or persons desiring electric service must make application therefor to the village clerk. Any applicant may be required to make a service deposit in such amount as has been set by the Village Board and on file at the office of the village clerk. Electricity may not be supplied to any house or building except upon the written order of the utilities superintendent. The electric system shall not supply to any person outside the corporate limits electric service without special permission from the Village Board; provided, the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to supply electric service to nonresidents. (Neb. Rev. Stat. §17-902, 19-2701)

### **SECTION 7-403: ELECTRICAL CONTRACT; NOT TRANSFERABLE**

A. The Village through its Electric Department shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits as and when, according to law, the Village Board may see fit to do so. The rules, regulations, and rates for electric service provided in this article shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electric Department.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the Village, to which both parties are bound. If such customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent shall cut off or disconnect the electric service from the building or place of such

violation and no further connection of electric service for such building or place shall again be made save or except by order of the superintendent or his agent.

C. Contracts for electric 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 customer shall 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 utilities superintendent, who shall cause the electric service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-902, 19-1404)

#### **SECTION 7-404: LICENSED ELECTRICIAN**

A. Under no circumstances shall connections be made between the wires of the electric distribution system of this village and the meter of the consumer, except by an employee of the Village or a licensed electrician authorized to do so by the utilities superintendent.

B. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent and building inspector; provided, that such rules, regulations, and specifications have been reviewed and approved by Village Board.

(Neb. Rev. Stat. §17-902, 19-1404)

#### **SECTION 7-405: INSTALLATION EXPENSE**

A. Upon receipt of an application for new electric service or upgrade of service from a customer (residential or commercial), a connection fee shall be paid by the applicant as shall be adopted from time to time by the Village Board and placed on file for public inspection at the office of the village clerk.

B. The expense of installation and equipment up to the electric meter loop, including the meter, shall be paid by the Village. The expense of installation and wiring from and including the meter loop to the points of distribution shall be the responsibility of the customer. Maintenance and replacement expense shall be apportioned in the same manner.

C. Underground installation of electric service shall be required in all new subdivisions and where feasible in any other areas, as designated by the Village. The customer shall pay the entire cost of underground installation except for the meter from the point of tie-in at the secondary distribution system to the point of distribution at the residence or commercial building.

D. In the event an upgrade in electric service is elected by the Village at a time other than application of new or upgraded service by the customer, said service shall be at the expense of the Village.

E. This section shall not operate to prohibit the Village and the consumer from entering into any agreement concerning the allocation of the expenses of the installation of an electric system in the Village; provided, the Village and the customer shall not enter into any agreement regarding the allocation of the expenses of the installation of an electric system in the Village unless two-thirds of the Village Board votes in favor of entering into such an agreement.

(Neb. Rev. Stat. §17-902) (Am. by Ord. No. 406, 4/10/12)

### **SECTION 7-406: METERS**

All electric meters shall be read at least one time each month during which electric service is used. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six-month average of the season one year previous to such breakage shall be used for billing purposes. (Neb. Rev. Stat. §19-1404)

### **SECTION 7-407: ELECTRICITY BILLS**

Procedures for billing, collection and delinquent accounts are set forth in Section 7-102.

### **SECTION 7-408: SERVICE DEPOSIT FUND**

The service deposit required for electric service and set by the Village Board shall be promptly paid upon demand by all customers of the electric system. From the said deposit shall be deducted all delinquent electric charges. The service deposit shall be collected by the village clerk and immediately turned over to the village treasurer, who shall keep the said fees in a trust fund for the customers of the electric system. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the electric system. (Neb. Rev. Stat. §19-1404)

### **SECTION 7-409: RESTRICTED USE**

The electric system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The utilities superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Village shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the Village has no control and the Village expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902, 19-1404)

**SECTION 7-410: BUILDING MOVING**

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the electric system, the same should not be done except upon written permission received from the utilities superintendent, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the electric system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. (Neb. Rev. Stat. §19-1404)

**SECTION 7-411: METER TESTING**

Each customer who requests that his or her electric meter be checked for accuracy shall be assessed a charge to reimburse the Village for the actual cost of such testing. If the meter proves to be registering inaccurately, resulting in an overcharge to the customer, the dollar assessment shall be returned to the customer. Said assessment shall be set by the Village Board and filed in the office of the village clerk.

**SECTION 7-412: POSTING SIGNS**

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the electric system any sign, poster, advertisement, or banner without written permission from the utilities superintendent. (Neb. Rev. Stat. §19-1404)

**SECTION 7-413: TRIMMING TREES**

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the utilities superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electric system, the Village Board shall have the power to order cut and remove any overhanging branches, or limbs of trees so that the lines will be free and safe.

**SECTION 7-414: INSPECTIONS**

The utilities superintendent shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

**SECTION 7-415: 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 electric system. (Neb. Rev. Stat. §28-512)



## Article 5 – Solid Waste

### SECTION 7-501: DEFINITIONS

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

"Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable.

"Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128, *Rules and Regulations Governing Hazardous Waste Management in Nebraska*, which for purposes of general definition is a solid waste which, because of quantity, concentration, or physical, chemical or infectious characteristics may: (A) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.

"Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

"Solid waste" shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities.

"Village solid waste jurisdiction area" shall mean all incorporated areas of the Village.

"Yard waste" shall mean grass and leaves.

(Neb. Rev. Stat. §17-3012, 17-3014, 17-3016.01, 17-3020, 17-3023, 17-3026, 81-1502)

### SECTION 7-502: COLLECTION AND DISPOSAL

The Village shall provide or contract for the disposal of nonhazardous solid waste from residential, commercial, institutional, and governmental premises within its solid waste jurisdiction area. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility meeting all state and federal criteria and approved by the Village Board. The board shall approve and is

authorized to contract with any such licensed landfill facility for such purposes. (Neb. Rev. Stat. §17-3020)

### **SECTION 7-503: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING**

Any person, firm, or corporation within the village solid waste jurisdiction area who or which generates or creates 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. §17-3020, 17-3023, 17-3026)

### **SECTION 7-504: ADDITIONAL REGULATIONS**

The Village Board may from time to time make and adopt by ordinance such additional rules and regulations governing the use, operation, and control of the solid waste collection and disposal system and the regulation of solid waste within the village solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety, and welfare of all persons within the village solid waste area. (Neb. Rev. Stat. §17-3020, 17-3023, 17-3026)

### **SECTION 7-505: NUISANCE; ABATEMENT**

It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises, or any other place within the village solid waste jurisdiction area any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Village unless the same is kept in approved receptacles as nearly airtight as may be practical. It shall be unlawful and declared to be a nuisance to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, or rubbish of any kind. No person shall permit garbage, refuse, or rubbish to collect and all persons shall remove the same within 24 hours after being notified to do so by the Board of Health. (Neb. Rev. Stat. §17-3020, 17-3023, 9-1720)



## **Article 6 – Penal Provision**

### **SECTION 7-601: 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 on 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.