

## **CHAPTER 7 – PUBLIC UTILITIES**

### **ARTICLE 1 – UTILITIES GENERALLY**

- SECTION 7-101: VILLAGE POWERS; RATE SETTING**
- SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES**
- SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT**
- SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE**
- SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY**
- SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE;  
PROCEDURE**
- SECTION 7-107: LIEN**
- SECTION 7-108: TIME**
- SECTION 7-109: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-110: DIVERSION OF SERVICES; UNLAWFUL ACTS**
- SECTION 7-111: DIVERSION OF SERVICES; PENALTY**

### **ARTICLE 2 – WATER DEPARTMENT**

- SECTION 7-201: OPERATION AND FUNDING**
- SECTION 7-202: DEFINITIONS**
- SECTION 7-203: MANDATORY HOOKUP**
- SECTION 7-204: SERVICE TO NON-RESIDENTS**
- SECTION 7-205: WATER METERS REQUIRED; LAWFUL USE**
- SECTION 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**
- SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE**
- SECTION 7-208: REPAIRS AND MAINTENANCE**
- SECTION 7-209: PLUMBER'S LIABILITY**
- SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE**
- SECTION 7-211: WATER RATES**
- SECTION 7-212: BILLING AND COLLECTIONS**
- SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-214: DESTRUCTION OF PROPERTY**
- SECTION 7-215: FIRE HYDRANTS**
- SECTION 7-216: BACKFLOW PREVENTION; CUSTOMER INSTALLATION  
AND MAINTENANCE; TESTING**
- SECTION 7-217: WELLS AND OTHER UNDERGROUND FACILITIES;  
DISTANCE FROM VILLAGE WATER SOURCES**
- SECTION 7-218: WELLHEAD PROTECTION AREA**
- SECTION 7-219: RESTRICTED USE**

### **ARTICLE 3 – SEWER DEPARTMENT**

- SECTION 7-301: OPERATION AND FUNDING**
- SECTION 7-302: DEFINITIONS**

- SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES;  
PROHIBITED FACILITIES**
- SECTION 7-304: MANDATORY HOOKUP**
- SECTION 7-305: SERVICE TO NON-RESIDENTS**
- SECTION 7-306: INSTALLATION EXPENSE; TAP FEE**
- SECTION 7-307: PLUMBER'S LIABILITY**
- SECTION 7-308: REPAIRS AND MAINTENANCE**
- SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**
- SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS**
- SECTION 7-311: INSTALLATION; DIRECT CONNECTION**
- SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED  
DRAINAGE**
- SECTION 7-313: SEWER RATES**
- SECTION 7-314: BILLING AND COLLECTIONS**
- SECTION 7-315: MANHOLES**
- SECTION 7-316: DESTRUCTION OF PROPERTY**

#### **ARTICLE 4 – SOLID WASTE**

- SECTION 7-401: DEFINITIONS**
- SECTION 7-402: NUISANCE**
- SECTION 7-403: INTERLOCAL AGREEMENT**
- SECTION 7-404: PRIVATE COLLECTION; PERMIT; BILLING**
- SECTION 7-405: COLLECTION AND DISPOSAL**
- SECTION 7-406: HAZARDOUS WASTE OR ITEMS REQUIRING SPECIAL  
HANDLING OR DISPOSAL**
- SECTION 7-407: DEAD ANIMALS**
- SECTION 7-408: ADDITIONAL REGULATIONS**
- SECTION 7-409: TREE, BRANCH, AND COMPOST FACILITY;  
OPERATION AND FUNDING**

#### **ARTICLE 5 – PENAL PROVISION**

- SECTION 7-501: VIOLATION; PENALTY**

## **CHAPTER 7 – PUBLIC UTILITIES**

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

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

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. 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 connect to and 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 make a service deposit and pay tap fees for water and sewer service in such amounts as set by resolution by the Village Board and placed on file at the village office. 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.

B. 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. (Ord. No. 1999-05, 5/4/99)  
(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

#### **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 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 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 utility services 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**

Property owners shall be billed jointly for water and sewer service on a monthly basis. For the purpose of sewer rental fees, the Village Board may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. Utility bills shall be mailed on the first day of every month and shall be due and payable by the 15th day of the month in which they were mailed. Bills not paid by the last day of the month in which they were mailed shall be deemed to be delinquent and shall be assessed a late charge in the amount of 10%. Disconnection procedures shall be subject to Section 7-106. The village may also take any action authorized by law to effect collection of the delinquent charges. (Neb. Rev. Stat. §§17-538, 17-542, 17-925.01)

#### **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.

B. A delinquent subscriber's water service will be disconnected on the 15th day of the month following delinquency and service will not be reconnected until all past due fees for water service and costs of mailing notice are paid. If water service is reconnected and service resumed to the same subscriber following disconnection, the subscriber shall be assessed the labor charges and any additional charges related to reconnecting the service. Charges for water service shall be the responsibility of the owner of the premises. Such charges shall be as set by resolution of the Village Board

and placed on file in the office of the village clerk.

C. 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, 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, which shall be informal. The Village Board may establish a payment plan for any domestic subscriber who has a delinquent utility bill and may include any reasonable terms in such payment plan.

D. 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, 70-1604, 70-1606, 70-1608) (Am. Ord. Nos. 1998-01, 1/6/98; 2000-2, 3/7/00)

#### **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: TIME**

All taps or plumbing work done on or to the village water or sewer system shall be done between the hours of 8:00 a.m. and 6:00 p.m. (Neb. Rev. Stat. §17-537)

#### **SECTION 7-109: RIGHT OF ENTRY FOR INSPECTION**

The utilities superintendent shall have free access between the hours of 8:00 a.m. and 6:00 p.m. to all parts of each premises and building which is connected with the water and sewer systems to ascertain whether there is any disrepair or violations of this chapter.

**SECTION 7-110: 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 7-111: 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 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: MANDATORY HOOKUP

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 to persons within its corporate limits whose premises do not abut a street or alley in which a village commercial main is now or may hereafter be laid with 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 water service to persons whose property line is not within 300 feet of the said main.

C. Each building 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 utility bills as provided herein.

D. Private wells are prohibited. Those 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 NON-RESIDENTS**

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. Non-residents 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 non-residents. (Neb. Rev. Stat. §§17-537, 19-2701)

#### **SECTION 7-205: 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 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building 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)

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

The consumer shall be required to pay the expense incurred by the village for procuring a plumber to tap the main and install the supply pipe from the main to the lot line. All work from the main to the lot line shall only be done under the supervision of the utilities superintendent. The customer, upon approval of his or her application for water service, shall pay a tap fee as provided in Section 7-103 and shall then pay the cost of installation and pipe from the lot line to the place of dispersal. If required, the village shall provide to the consumer the stop box and the meter. The cost of the installation of the stop box and the meter and the expense of furnishing and installing pipe, trenching and labor shall also be paid by the consumer. Every property owner desiring a supply of water for such property shall install a meter approved by the Village Board. (Neb. Rev. Stat. §17-542)

### **SECTION 7-208: REPAIRS AND MAINTENANCE**

A. Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department 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. (Neb. Rev. Stat. §17-537)

### **SECTION 7-209: 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 his inspection and approval. 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 7-210: INSTALLATION OR REPAIR PROCEDURE**

A. All installations and repairs shall be done under the supervision of the village and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Village Board.

B. 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.

C. 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.

(Neb. Rev. Stat. §§17-537, 71-5301)

### **SECTION 7-211: WATER RATES**

All property owners whose properties are receiving water service shall be liable for the minimum rate provided by ordinance unless and until the property owner shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case such owner shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

### **SECTION 7-212: 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 and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

### **SECTION 7-213: 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 7-214: 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 7-215: 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 7-216: BACKFLOW PREVENTION; 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 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 7-217: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES**

A. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts, or events within the specified footage of any village public water supply well. The following facilities, acts, or events shall be defined as nuisances for purposes of this section:

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
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

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the village or its extraterritorial jurisdiction without first having obtained the proper permit from the Village Board. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the village. Such application must be presented to the board at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the board must approve or deny said permit.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the village and/or (2) within the designated number of feet from the village water supply, then such facility shall be deemed a nuisance and the Village Board shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 of this code.  
(Ord. No. 2003-1, 3/4/03)

**SECTION 7-218: WELLHEAD PROTECTION AREA**

“Wellhead protection area” means the surface and subsurface area surrounding a wa-

ter well or well field supplying a public water system through which contaminants are reasonably likely to move toward and reach such water well or well field. The Village Board has designated a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are shown on the wellhead protection area map attached to Ord. No. 2003-02, as Exhibit A and incorporated herein by reference, prepared by the Nebraska Rural Water Association as approved by the Nebraska Department of Environmental Quality. (Ord. No. 2003-02, 4/1/03)

**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)



## 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 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. 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) (Am. Ord. No. 1998-18, 10/6/98)

### SECTION 7-302: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this section 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 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. It shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other similar facility intended or used for the disposal of sewage. Septic tank installation shall be prohibited. Any owner of property where a septic tank is in use at the time of adoption of this municipal code shall be required to connect to the village sewer system when such septic tank becomes unusable.

D. Storm water and all other unpolluted drainage including surface water, sub-surface 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. Upon approval of the utilities superintendent, industrial cooling water or unpolluted process water may be discharged 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: MANDATORY HOOKUP**

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 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits whose property line is not within 100 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 100 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 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 utility bills as provided herein.

(Neb. Rev. Stat. §18-503)

#### **SECTION 7-305: SERVICE TO NON-RESIDENTS**

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 non-residents. (Neb. Rev. Stat. §19-2701)

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

The consumer shall be required to pay the expense incurred by the village for procuring a plumber to tap the main and install the sewer line from the main to the lot line. The customer, upon approval of his or her application for sewer service, shall pay a tap fee as provided in Section 7-103. All other costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. (Neb. Rev. Stat. §18-503)

### **SECTION 7-307: 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 7-308: REPAIRS AND MAINTENANCE**

A. The village shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including those upon 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.

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 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**

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, regulations, 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; DIRECT CONNECTION**

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make such connections through one pipe. (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**

All sewer customers shall be liable for the minimum rate provided by ordinance. (Neb. Rev. Stat. §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 and termination 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

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 vegetables.

"Hazardous waste" shall mean any waste designated or defined as 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, semi-solid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities.

"Yard waste" shall mean grass and leaves.  
(Neb. Rev. Stat. §81-1502)

### SECTION 7-402: NUISANCE

A. 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 air-tight as may be practical. No person shall permit garbage, refuse, or rubbish to collect.

All persons shall remove the same within 24 hours after being notified to do so by the Board of Health.

B. 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. (Neb. Rev. Stat. §17-123.01)

#### **SECTION 7-403: INTERLOCAL AGREEMENT**

The Village Board has entered into an agreement with the Southeast Interlocal Solid Waste Coalition to permit removal of solid waste from the village.

#### **SECTION 7-404: PRIVATE COLLECTION; PERMIT; BILLING**

It shall be unlawful for any person, firm, or corporation to collect or dispose of residential nonhazardous solid waste within the village without first having obtained a permit therefor from the village clerk with the approval of the Village Board. Any holder of such permit may contract privately with any resident, business, or institution within the village for solid waste collection and disposal services and shall bill its customers directly for such services. Nothing in this section shall be construed as prohibiting residents of the village from hauling their own residential nonhazardous solid waste to a licensed solid waste facility.

#### **SECTION 7-405: COLLECTION AND DISPOSAL**

The village may 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. §19-2106)

#### **SECTION 7-406: HAZARDOUS WASTE OR ITEMS REQUIRING SPECIAL HANDLING OR DISPOSAL**

A. No person shall put out any of the items specified below to be collected by the village solid waste collector for land disposal.

1. Yard waste from April 1 through November 30 of each year unless such yard waste has been separated from its source and is put out for separate collection and delivery to the landfill for the purpose of soil conditioning or composting under the conditions otherwise specified.
2. Lead-acid batteries.
3. Waste oil.

4. Waste tires in any form except tires that are non-recyclable. Tires are not considered disposed if they meet the requirements of Neb. Rev. Stat. §13-2039.
5. Discarded household appliances.
6. Unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act.

B. Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof. (Neb. Rev. Stat. §13-2039)

C. For purposes of this section:

1. Land disposal includes, but is not limited to, incineration at a landfill.
2. "Non-recyclable tire" means a press-on solid tire, a solid pneumatic shaped tire, or a foam pneumatic tire. (Neb. Rev. Stat. §13-2039)
3. "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. (Neb. Rev. Stat. §13-2013.02)  
(Am. Ord. No. 2004-04, 2/10/04)

#### **SECTION 7-407: DEAD ANIMALS**

Any dead animal shall be immediately removed and buried by the owner of such animal; and if the owner cannot be found within two hours after discovery the same, then such animal shall be removed by and at the expense of the village. Dead animals shall not be buried in or above the course of ground water that is used for drinking purposes by the village or its inhabitants. (Neb. Rev. Stat. §17-207)

#### **SECTION 7-408: 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. §19-2106)

#### **SECTION 7-409: TREE, BRANCH, AND COMPOST FACILITY; OPERATION AND FUNDING**

A. The village owns and operates the Tree, Branch and Compost Facility through the village maintenance man. The Village Board, for the purpose of defraying

the cost of the care, management, and maintenance of the facility, may each year levy a tax not to exceed 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 tree, branch and compost facility fund and shall remain in the custody of the village treasurer.

B. The village maintenance man shall have the direct management and control of the Tree, Branch and Compost Facility and shall faithfully carry out the duties of his position. The Village Board shall provide by ordinance for the management and operation of the facility and shall also set the rates to be charged for services rendered by ordinance, filing the same in the office of the village clerk for public inspection.

C. It shall be unlawful for any person to deposit items in the Tree, Branch and Compost Facility which are prohibited by state law or regulation.  
(Neb. Rev. Stat. §§19-2101 through 19-2106)

## **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.