

## **CHAPTER 7 – PUBLIC UTILITIES**

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## **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 subscribe to village utility services, which may include electricity 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: BILLING AND COLLECTIONS; DELINQUENCY**

A. Water bills shall be due and payable monthly at the office of the village clerk. It shall be the duty of the customers of the Water Department to pay their bills in good funds. The Village Board shall direct the clerk to charge and collect from each customer the amount due. Bills shall be due and payable on the first day of each month. Bills not paid before noon on the 20<sup>th</sup> day of each month shall be deemed delinquent.

B. Upon being delinquent, the village clerk shall send a shut-off notice by mail prior to 2:00 p.m. on the day of delinquency to the customer at the customer's billing address by U. S. mail, warning that the service shall be disconnected seven days from the date of the shut-off notice promptly at 10:00 a.m. An administrative fee shall be assessed to the delinquent account which shall be payable by the customer in addition to the monthly delinquent water bill. Unless the customer has requested a conference with the Village Board prior to the expiration of the seven-day period, it shall be the duty of the utilities superintendent to disconnect service pursuant to Section 7-104 on the specified date if payment in full of the delinquent amount and the administrative fee is not received by the village clerk. Upon restoration of service, the clerk shall assess an additional fee; the amount shall depend on whether restoration of service occurs prior to 7:00 p.m. or after 7:00 p.m. The administrative fee and the reconnection fees shall be as set by resolution of the Village Board and placed on file in the village office. (Neb. Rev. Stat. §§17-538, 17-542) (Ord. Nos. 2-17, 3/9/16; 16-3, 5/11/16)

**SECTION 7-104: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**

A. Upon being deemed to be delinquent, the village clerk shall send a shutoff notice to the customer at the customer's billing address by U. S. mail warning that the service shall be disconnected seven days from the date of the notice. An administrative fee shall be assessed to the delinquent account, which shall be payable by the customer in addition to the monthly delinquent water bill. Unless the customer has requested a conference with the Village Board prior to the expiration of the seven-day period, it shall be the duty of the utilities superintendent to disconnect service on the specified date if payment in full of the delinquent amount and the administrative fee is not received by the village clerk; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the village clerk to notify both the customer and the Department of Health and Human Services, local county office, by certified mail of the proposed termination. Upon restoration of service, the village clerk shall assess an additional fee if restoration of service occurs prior to 7:00 p.m. and an increased fee if restoration of service occurs after 7:00 p.m. All fees as described herein shall be set by resolution of the Village Board and placed on file in the village office.

B. 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) (Ord. No. 2-17, 3/9/16)

**SECTION 7-105: COMPLAINTS**

Any consumer aggrieved by being required to pay the charge demanded for the use of utilities or for the resumption of water service after the same shall have been shut off shall pay such charge under protest, in which event the village clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his or her verified claim in the manner provided for presenting claims to the Village Board for a refund of the amount so paid under protest. Such claim shall then be considered by the Village Board in the same manner as other claims against the village as set forth in Section 1-507 (Claims).

**SECTION 7-106: 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 at the first regularly scheduled board meeting after the water shutoff date 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 7-107: 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 7-105 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 7-108: 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 shutoff, 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 shutoff, stop box, or curb cock is located.

### **SECTION 7-203: MANDATORY HOOKUP; PRIVATE WELLS PROHIBITED**

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.

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.

C. Private wells shall be prohibited within the village.  
(Neb. Rev. Stat. §§17-532, 17-537)

#### **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: CONSUMER'S APPLICATION; SERVICE DEPOSIT**

Every person or persons desiring a supply of water must make application to the village clerk, who shall require any applicant to pay three months in advance prior to water being turned on. Said payment shall accrue no interest and may be returned after a five-year period or upon termination of water service and payment of all water bills. The village clerk shall require the applicant for each new connection or tap made to an existing commercial main to pay for all labor, equipment, material and installation cost to install the service line from the water main to the property line, plus a basic connection fee. The village clerk shall then forward the application to the utilities superintendent. Water may not be supplied to any house or private service pipe except upon order of the superintendent. (Neb. Rev. Stat. §§17-537, 19-2701)

#### **SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE**

A. The rules, regulations, and water rates set forth in this chapter shall be considered a part of every application hereafter made for water service 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 or consumption of water by a new consumer 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 or his agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or 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 utilities superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

#### **SECTION 7-207: 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 7-208: INSTALLATION; EXPENSE**

Upon approval of the customer's application, the village shall tap the main and the customer shall then be responsible for installation of service from the village main to the premises served, including pipe, trenching and corporation cock. The expense of providing water service from the main to the premises served shall be paid by the customer. The village shall pay the actual expense incurred in tapping into the village main. (Neb. Rev. Stat. §17-542)

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

The village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersal. When leaks occur in service pipes, the utilities superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent. (Neb. Rev. Stat. §17-537)

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

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

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

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

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

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

(Neb. Rev. Stat. §§17-537, 71-5301)

**SECTION 7-212: WATER RATES; MINIMUM; ADDITIONAL CURB STOPS**

A. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again.

B. All water consumers shall be liable for the monthly rate to be billed as set forth in Article 1, regardless of whether said property is a single, double, or family occupancy. However, if the real estate of the consumer is served by more than one curb stop, the consumer shall be liable for a charge for each additional curb stop tapped into the main in addition to the normal monthly rate. Rates are subject to applicable sales tax.

(Neb. Rev. Stat. §§17-540, 17-542) (Am. Ord. No. 14-06, 4/16/14)

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

The village clerk shall bill the consumers and collect all money received by the village on the account of the Water Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-103 and 7-104. (Neb. Rev. Stat. §17-540)

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

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

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

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

**SECTION 7-216: FIRE HYDRANTS**

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

**SECTION 7-217: POLLUTION**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Neb. Rev. Stat. §17-536)

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

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

B. The customer shall make application to the utilities superintendent to install a required backflow prevention device on a form provided by the village. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number. The superintendent shall approve or disapprove the application based on his 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.

(Am. Ord. No. 91-02, 2/6/91)

#### **SECTION 7-219: 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
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

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.

## **SECTION 7-220: WELLHEAD PROTECTION AREA**

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 which was prepared by the Nebraska Department of Environmental Quality in 2001. "Wellhead protection area" means the surface and subsurface area surrounding a water 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. (Ord. No. 02-01, 2002)

## **SECTION 7-221: RESTRICTED USE**

A. 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.

B. In the event of said water shortage, the chairman of the Village Board or the utilities superintendent shall notify the customers of the Water Department by posting in three prominent places throughout the village notice of said shortage and the restrictions imposed. In the event that any person abuses his or her privilege of use of the water system by continued and excessive use to such an extent as to endanger the health and welfare of the residents of the village, the chairman or the utilities superintendent shall notify said customer by personal service or by posting the customer's premises; and if said excessive use is not abated within 12 hours after said notification, the utilities superintendent shall disconnect said water service and shall not reconnect the water service until the customer shall pay the treasurer a reconnection fee as set by resolution of the Village Board and placed on file in the village office. (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)

### **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. Except as hereinafter provided, 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 tanks may be installed as provided in Section 7-319.

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. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs, which shall be as determined by the utilities superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.



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

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

#### **SECTION 7-304: 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, provided that said public sewer is within 100 feet of the property line.

B. The village shall furnish sewer service 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.

(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: CONSUMER'S APPLICATION; CLASSIFICATION; SERVICE DEPOSIT**

Any person wishing to connect with the sewer system shall make an application to the village clerk, who may require any applicant to make a service deposit in such amount as has been set by resolution of the Village Board and placed on file at the village office. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the clerk. Sewer service may not be supplied to any house or building except upon the order of the superintendent. (Neb. Rev. Stat. §17-925.02)

**SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE**

A. The rules, regulations, and sewer rental rates hereinafter named in this section shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served.

B. 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 regulation that the Village Board may hereafter adopt, the utilities superintendent or his agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of the superintendent or his agent.

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 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 customer should fail to give notice, he or she shall be charged for sewer service monthly until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

**SECTION 7-308: INSTALLATION EXPENSE**

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

**SECTION 7-309: REPAIRS AND MAINTENANCE**

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board.

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

(Neb. Rev. Stat. §18-1748)

### **SECTION 7-310: 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 7-311: 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 7-312: 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 7-313: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is

available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

#### **SECTION 7-314: 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 7-315: SEWER RATES**

A. All sewer consumers shall be liable for the monthly rate to be billed as set forth in Article 1 herein, regardless of whether the property is a single, double, or family occupancy. Rates are subject to applicable sales tax.

B. Any customer of the sanitary sewerage system having a private water supply which is discharged into the sanitary sewerage system shall be charged at the same rate as all other consumers.

C. If any rate of any user should be invalid or unenforceable for any reason, the village shall be entitled to receive and collect from such user a reasonable rate or charge for the use of its sanitary sewerage system, the same to be collected in an action of law.

(Neb. Rev. Stat. §18-509) (Am. Ord. No. 14-07, 4/16/14)

#### **SECTION 7-316: 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 7-103 and 7-104. (Neb. Rev. Stat. §17-540)

#### **SECTION 7-317: 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 7-318: 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.

**SECTION 7-319: PRIVATE SEWAGE DISPOSAL; PERMIT**

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 article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utilities superintendent. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the superintendent. A permit and inspection fee as set by resolution of the Village Board shall be paid to the village at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the utilities superintendent. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

D. The type, capacity, 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*, the County Department of Health, and the village health officer. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that recommended by the above-mentioned agencies. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124(D).

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

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

federal law.

## **Article 4 – Solid Waste**

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

The following definitions shall apply in interpretation and enforcement of this article.

"Garbage" means any animal, fruit, vegetable, kitchen refuse, or other material that will or may decompose and become offensive or dangerous to health, not including dead animals or manure.

"Trash" means wooden or cardboard boxes, chips or pieces of wood, bottles, broken glass, crockery, tin cans, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the village, except that used or discarded furniture or appliances, tree limbs, branches, sticks, yard waste, garden waste, leaves, or grass clippings are not included within the meaning of the word "trash".

"Waste" means cinders or ashes (when cool to the touch), broken plaster, brick, stone, sawdust, paper, plastic, glass, broken glass, or metal.

### **SECTION 7-402: OWNER'S RESPONSIBILITY**

A. It shall be unlawful for any person to keep garbage, trash, or waste of any kind that may be injurious to the public health or offensive to the residents of the village in, on, or about any dwelling, building, or premises or any other place in the village unless the same is kept in approved receptacles awaiting collection and disposal.

B. No person may permit yard waste, garbage, trash, or waste to accumulate; and all persons shall properly dispose of the same within 24 hours after notification from law enforcement or the village clerk, who shall represent the Board of Health. Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening.

C. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, yard waste, garbage, trash, or waste of any kind.

(Neb. Rev. Stat. §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.