

CHAPTER 6 – PUBLIC UTILITIES

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CHAPTER 6 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 6-101: 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 from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system. 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 taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. (Neb. Rev. Stat. §17-538)

SECTION 6-102: FEES, BILLING AND COLLECTIONS; DELINQUENCY

A. Water and sewer fees shall be billed monthly on the first day of each month and shall be due and payable at the office of the village clerk by the 10th day of the month.

B. After the 10th day, unpaid bills shall be considered to be delinquent and shall thereafter bear interest at the rate set by resolution of the Village Board. In the event that any billing remains unpaid on the 1st day of the month subsequent to the month for billing, the water service shall be turned off after seven days' written notice by mail to the consumer and not turned on again until all back fees and charges are paid, including the 10% penalty charge which the Village Board may, by resolution, prescribe. The owner of the premises will in all cases be held primarily responsible and will be required to pay for water used at such premises. In the event that the water has been shut off due to the failure of payment of a water bill as herein prescribed, the consumer shall be required to pay a service charge set by resolution of the Village Board prior to the resumption of service.

C. Fees for customers outside the corporate limits shall be double the fees set by the Village Board for residents.
(Neb. Rev. Stat. §17-543)

SECTION 6-103: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the village for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The village clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more

delinquent in the payment of the utilities rent. It shall be the duty of the utilities superintendent on June 1 of each year to report to the Village Board a list of all unpaid accounts due for utilities service, together with a description of the premises served. 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 6-104: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

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

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

C. This section shall not apply to any disconnections or interruptions of services made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §70-1603, 70-1604)

SECTION 6-105: DIVERSION OF SERVICES; UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any pipe supplying water without the knowledge and consent of the village in such manner that any portion thereof may be supplied to any instrument by or at which the water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above-mentioned unauthorized ways, shall be deemed guilty of an offense.

B. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or water passing through it without the knowledge and consent of the village shall be deemed guilty of

an offense.

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 6-104 of this code, any person who reconnects such service without the knowledge and consent of the village shall be deemed guilty of an offense.

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

(Neb. Rev. Stat. §25-21,275 through 25-21, 278, 28-515.02)

SECTION 6-106: DIVERSION OF SERVICES; PENALTY

A. The village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts bypassing or tampering 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 or tampering.

B. In any civil action brought pursuant to this section, the village shall be entitled, upon proof of willful or intentional bypassing or tampering, 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 or tampering, 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 or tampering is proven to exist caused or had knowledge of such bypassing or tampering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing or tampering 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 or tampering is proven to exist caused or had knowledge of such bypassing or tampering if the customer controlled access to the part of the utility

supply system on the premises where the bypassing or tampering was proven to exist.

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

(Neb. Rev. Stat. §25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 6-201: 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 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 6-202: 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 6-203: MANDATORY HOOKUP; PRIVATE NON-VILLAGE WELLS

A. All persons whose property is within 300 feet of a main that is now or may hereafter be laid shall be required, upon notice by the Village Board, to hook up with the village water system. 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 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 to make such connection, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

B. Private wells previously constructed and operating prior to the village establishing its water system shall be permitted to operate, providing that such well complies with other existing, applicable ordinances and does not violate applicable State laws or regulations promulgated by the Nebraska Department of Health. (Neb. Rev. Stat. §17-537)

SECTION 6-204: CONSUMER'S APPLICATION; SERVICE TO NONRESIDENTS

Every person or persons desiring a supply of water must make application therefor to the village clerk. Water shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent. The department shall not supply water service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the village to provide water service to nonresidents. (Neb. Rev. Stat. §17-537, 19-2701)

SECTION 6-205: WATER CONTRACT; NOT TRANSFERABLE

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

B. 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 every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by any present 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 or place of such violation. No further connection for water service to said building, premises, or place 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 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 utilities superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 6-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential 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 8% lead. (Neb. Rev. Stat. §71-5301)

SECTION 6-207: 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 6-208: INSTALLATION; EXPENSE

Where water service is available the expense of providing water from the main shall be paid by the consumer. If required the village shall provide to the consumer the stop box and the meter, and the cost of the installation of the stop box and meter shall be paid by the consumer. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the main to the place of disbursement. (Neb. Rev. Stat. §17-542)

SECTION 6-209: INSTALLATION OR REPAIR; PROCEDURE

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. 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 6-210: INSTALLATION OR REPAIR; INSPECTIONS

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)

SECTION 6-211: WATER RATES

The Village Board has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such rates shall be on file for public inspection at the office of the village clerk. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §17-540, 17-542)

SECTION 6-212: 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 shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and delinquency procedures are set forth in Sections 6-102. (Neb. Rev. Stat. §17-540)

SECTION 6-213: REPAIRS AND MAINTENANCE; COSTS

All repairs to the village-owned pipe, meters and other appurtenances shall be paid by the village, except where it is found by the utilities superintendent that the consumer is at fault for its state of disrepair. In that event it shall be the duty of the consumer to replace or repair the said property owned by the Water Department. All other replacement and repair of pipes and appurtenances provided by the consumer shall be paid for by the consumer. (Neb. Rev. Stat. §17-537)

SECTION 6-214: REPAIRS AND MAINTENANCE; TIME

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

SECTION 6-215: RIGHT OF ENTRY FOR INSPECTION

The utilities superintendent or his duly authorized agent shall have free access

between 8:00 a.m. and 6:00 p.m. 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 6-216: SINGLE PREMISES

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

SECTION 6-217: 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 6-218: FIRE HYDRANTS

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

SECTION 6-219: 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 6-220: WATER SHORTAGE; 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. The village shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions.

The chairman of the board is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The chairman is given discretion to declare each particular stage as deemed appropriate by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

(Neb. Rev. Stat. §17-537) (Ord. 2006-01, 6/30/06)

SECTION 6-221: WATER EMERGENCY; STAGE 1, WATER WATCH

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

1. Ground water levels have fallen 5 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Demand for one day is in excess of 500,000 gallons per day.

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

C. *Management Actions.*

1. Leaks will be repaired within 48 hours of detection.
2. The village will monitor its use of water and will curtail activities such as hydrant flushing and street, cleaning.

D. *Regulation Actions.* The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets to prevent any unnecessary use of water.

(Ord. 2006-01, 6/30/06)

SECTION 6-222: WATER EMERGENCY; STAGE 2, WATER WARNING

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

1. Ground water levels have fallen 10 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Plant operations are at 80% capacity for more than three consecutive days.
4. Demand for one day is in excess of 500,000 gallons per day.

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

C. Management Actions.

1. Village water supply will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The village will curtail its water usage, including watering of village grounds and washing of vehicles.

D. Regulation Actions. In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the chairman of the board:

1. An odd/even lawn watering system will be imposed on village residents. Those with odd-numbered houses will water on odd days; even-numbered houses on even days.
2. Outdoor water use, including lawn watering and car washing, will be restricted to before 10:00 a.m. and after 9:00 p.m.
3. Refilling of swimming pools will be limited to one day a week after sunset.
4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
5. Waste of water will be prohibited.

(Ord. 2006-01, 6/30/06)

SECTION 6-223: WATER EMERGENCY; STAGE 3, WATER EMERGENCY

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

1. Ground water levels have fallen 15 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Pumping lowers water levels to within five feet of the top of the well screens.
4. Plant operations are at 90% capacity for more than three consecutive days.
5. Demand for one day is in excess of 500,000 gallons per day.

B. Goals. The goals of this stage are to reduce peak demands by 50% and to reduce overall consumption by 25%.

C. Education Actions.

1. The village will make news releases to local media describing current conditions and indicate the water supply outlook for the village.
2. The village will hold public meetings to discuss the emergency, the status of the water supply and further actions which need to be taken.

D. *Management Actions.*

1. Village water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
5. The village will seek additional emergency supplies from other users, the state or federal government.

E. *Regulation Actions.* In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the chairman of the Board:

1. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
2. Waste of water will be prohibited.

F. *Enforcement.* In the event that any water consumer fails to comply with the regulatory action taken by the village, then the chairman may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the chairman being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed.

(Ord. 2006-01, 6/30/06)

**SECTION 6-224: BACKFLOW PREVENTION DEVICES; CUSTOMER
INSTALLATION AND MAINTENANCE; TESTING; VIOLATION**

A. All customers of the Water Department shall be required to report to the cross-connection control officer any potential cross-connections which may be on their premises. This report shall be made at least every 5 years.

B. A cross-connection control officer shall be appointed by the Board of Trustees, which officer shall be responsible for reviewing the surveys submitted by the customers of the Water Department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, "Regulations Governing Public Water Supply Systems." Any customer may be required to install and maintain a properly located backflow prevention device at his or her expense appropriate to the potential hazard as set forth in these regulations and approved by the cross-connection control officer.

C. The customer shall make application to the cross-connection control officer 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 backflow prevention device to be installed, including make and model number, and the location of the proposed installation.

D. The cross-connection control officer shall approve or disapprove the application based on whether such installation will protect the village water distribution system from potential backflow and backsiphonage hazards.

E. When a testable backflow prevention device shall be required, the customer shall certify to the village at least one time annually that the backflow prevention device has been tested by a Nebraska Health and Human Services System Grade VI certified water operator. Such certification shall be made on a form available at the office of the village clerk.

F. Any decision of the cross-connection control officer may be appealed to the Board of Trustees, whose decision shall be final.

G. Any customer refusing to report on possible cross-connections on his or her premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually may have the water service discontinued and shall be subject to a reconnect fee to have the service reinstated after supplying proof that the potential cross-connection has been eliminated or properly protected. Said fee shall be set by the Village Board and filed in the office of the village clerk for public inspection.

(Ord. No. 2003, 2/25/03)

SECTION 6-225: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

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 subsection:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of village/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

Article 3 – Sewer Department

SECTION 6-301: 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 6-302: 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 two miles 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 subsequent provisions of this article.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage. Septic tanks may be installed as provided in Section 6-316.

SECTION 6-303: MANDATORY HOOKUP

A. All persons shall be required, upon notice by the Village Board, to hook up with the village sewer system. Each building hereafter erected shall be connected with the sewer system at the time of its erection.

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

after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

SECTION 6-304: APPLICATION FOR PERMIT; SERVICE DEPOSIT; SERVICE TO NONRESIDENTS

A. Any person wishing to connect with the sewer system shall make an application therefor to the village clerk upon the form to be furnished by the village. The clerk may require any applicant to make a service deposit as set by resolution of the Village Board and filed in the village office.

B. At the end of one year, the deposit shall be returned to any consumer who owns the property where he or she resides. Upon payment of the final bill, said deposit shall be returned to any consumer who does not own his or her residence.

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

(Neb. Rev. Stat. §19-2701)

SECTION 6-305: SEWER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and sewer rental rates stated herein 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 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. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

SECTION 6-306: INSTALLATION EXPENSE; CONNECTION FEE

The cost of providing sewer service to any building shall be paid by the customer. He or she shall be required to pay the sewer connection charge, which shall be set by resolution of the Village Board and payable to the village clerk. It shall be the responsibility of the customer to pay the cost of installation and materials from the main to the building. (Neb. Rev. Stat. §18-503)

SECTION 6-307: 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 village code.

SECTION 6-308: LIABILITY

A. Anyone who connects with the public sewer shall be held responsible for any damage they may cause to the sewers or the public ways and property and shall restore to the complete satisfaction of the utility superintendent all streets that have been excavated and make good any settlement of the ground or pavement.

B. The village shall not be liable for any damage that may arise out of the operation of the village sewer system whether such damage arises out of unforeseeable circumstances or due to the negligence or neglect of any of the employees of the village. All customers of the sewer system hereby agree that in using the facilities of the sewer system, they agree to assume the risk of the said damage.

SECTION 6-309: INSTALLATION OR REPAIR; PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience 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 the sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property 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 owner, occupant, or lessee of the property.

C. All installations or repairs of pipes require two inspections by the utilities superintendent: (1) when connections or repairs are complete and before the pipes are covered, and (2) after the dirt work is completed and the service restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection.

D. All installations 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 clerk 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 6-310: DIRECT CONNECTION; SPECIFIC CONDITIONS

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 6-311: SEWER RATES; CLASSIFICATION

A. The Village Board has the power and authority to fix the rates to be paid by the sewer customers for the use of sewer service. All such rates shall be on file for public inspection at the office of the village clerk. All sewer customers shall be liable for the minimum rate provided by ordinance.

B. For the purpose of 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. (Neb. Rev. Stat. §17-925.02)

SECTION 6-312: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the village on the account of the Sewer Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and delinquency procedures are set forth in Sections 6-102. (Neb. Rev. Stat. §17-540)

SECTION 6-313: REPAIRS AND REPLACEMENT

A. All repairs or replacements to service sewer pipes between the main sewer in the street and the premises of the owner, occupant, or lessee shall be made by him at his own expense. Repairs to the main sewer pipe shall be made by the village at the expense of the village, except in the service of non-residents.

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 6-314: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is hereby 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 6-315: DESTRUCTION OF PROPERTY

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

SECTION 6-316: 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 are deemed necessary by the superintendent. A permit and inspection fee of \$5.00 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, capacities, location and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

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 as provided in subsection (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.

SECTION 6-317: DISCHARGE OF WATERS; PROHIBITED

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff surface drainage or polluted industrial process waters into the sanitary sewer. Storm waters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the 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 determined by the superintendent with the approval of the Village Board.

SECTION 6-318: COMMERCIAL GARAGES; SAND OR MUD TRAP

It shall be unlawful for the owner or manager of any garage or other building having a rack on which vehicles are washed and which is connected with the village sewer system not to be provided with a sand or mud trap, which shall be frequently cleaned.

SECTION 6-319: HAZARDOUS DISCHARGES; PROHIBITED

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.

C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

E. Further, specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances.

Article 4 – Solid Waste

SECTION 6-401: COLLECTION SERVICE

All persons, firms, corporations, and institutions within the corporate limits of the village shall be subscribers to the collection services contracted with by the village for the collection of garbage, rubbish, waste and refuse accumulating within the village, subject to the regulations set by the Village Board.

SECTION 6-402: ACCUMULATION AND DISPOSAL

A. It shall be unlawful for any person to keep in, on, or about any dwelling, building or premises or any other place in the village decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or safety or offensive to the residents of the village unless the same is kept in receptacles as nearly airtight as may be practical. The Village Board may, by resolution duly approved and filed with the village clerk, establish size requirements or limitations for said receptacles or may prescribe the type of receptacle which may be used. No person shall permit garbage, rubbish, waste or refuse to collect, and all persons shall remove the same from their property within 24 hours after being notified to do so by the board.

B. 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 receptacle or garbage can with a tight cover.

C. All persons shall have the contents of their receptacles or garbage cans removed at least once per week.

(Neb. Rev. Stat. §19-2106)

SECTION 6-403: FEES

Fees shall be set by each solid waste collection company and shall be paid to the company providing each customer's collection service.

Article 5 – Penal Provisions

SECTION 6-501: 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.