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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: SERVICE OUTSIDE CORPORATE LIMITS

The Village may extend water, sewer, and solid waste collection service from village utilities to real property outside the corporate village limits. (Ord. No. 179, 05/02/01)

SECTION 7-102: BILLING AND COLLECTIONS

A. All water, sewer and solid waste collection service furnished within or outside the village limits shall be charged to the consumer at the rate set by the Village Board and filed in the office of the village clerk.

B. Bills for utilities furnished shall be sent to the consumer at or around the 10th of each month and in accordance with the rates hereinafter provided. All money due the Village for utilities furnished shall become due and payable by the 28th of each month.

C. If the utility bill of any customer is not paid within 18 days following billing, a late charge will be added to the bill and a ten-day notice will be sent to such customer. If the bill is not paid within said ten-day period or if any of the other terms and provisions of this ordinance are violated, the water commissioner shall shut off the water service of said customer. Water service shall be restored only upon payment of all unpaid charges and compliance with any violations. A reconnect fee shall be charged to any such customer. Said late charge and reconnect fee shall be set by the Village Board and filed in the office of the village clerk, where they shall be available for public inspection during office hours.

(Ord. No 188, 06/12/02)

SECTION 7-103: DELINQUENT ACCOUNTS; LIEN

In addition to all other remedies, if a customer 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 rent, which is hereby declared to be a lien upon the premises or real estate to which the services were 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 are 60 days or more delinquent in the payment of utility 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 utility services, together with descriptions 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. §17-025.01) (Ord. No. 225, 07/09/08)

SECTION 7-104: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. No village utility shall discontinue service to any domestic subscriber for non-payment of any past 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.

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

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

SECTION 7-105: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the utilities superintendent or village clerk may appear before the Village Board and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of any utility or for the resumption of utility 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/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 claims shall then be considered by the board in the same manner as other claims against the Village.

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

The Village owns the Water Department and operates the same through the utilities superintendent, who shall be directly under the control and supervision of the Village Board. The board, for the purpose of defraying the cost of the care, management, improvement, 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 utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The Village Board shall adopt rules and regulations for the sanitary and efficient management of the Water Department. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-202: RESERVATION OF RIGHTS

The Village Board reserves the right to amend or alter any ordinances, rules, or regulations pertaining to water and water service, including the rates herein established when it deems advisable.

SECTION 7-203: MANDATORY HOOKUP

Each and every person, firm, or corporation inside the village limits must be hooked up to the village water system. Private wells will not be allowed for domestic use. (Ord. No. 188, 06/12/02)

SECTION 7-204: CONSUMER'S APPLICATION; DEPOSIT, TAP FEE

A. Each and every person, firm, or corporation desiring to be supplied with water must make a written application to be filed with the village clerk. No connection shall be made with any village main or pipe until such application has been approved.

B. Each and every customer shall, before water service is turned on for such customer, pay a deposit to the water commissioner, who shall forward the same to the village treasurer for a separate fund to be known as the Water Deposit Fund. Such deposit, as set by Village Board, shall be returned to the customer at any time that the customer discontinues water service, provided that such customer shall have paid all charges due the Village, and in the event of any unpaid charges, said deposit shall be applied to the payment of said charges.

(Neb. Rev. Stat. §17-537) (Ord. No. 188, 06/12/02)

SECTION 7-205: WATER CONTRACT; NOT TRANSFERABLE

A. The Village shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a main is laid and may furnish water to per-

sons within its corporate limits whose premises do not abut a street or alley in which a commercial main is laid and to persons whose premises are situated outside the corporate limits of the Village as and when the Village Board may see fit to do so.

B. No water shall be furnished through the waterworks system to any consumer unless the same be metered as herein provided. (Ord. No. 188, 06/12/02)

C. The rules, regulations, and water rates herein provided shall be considered a part of every application made for water service and a part of the contract of every consumer served by the Village. The making of an application on the part of any applicant or the use or consumption of water by present consumers and the furnishing of water service to the applicant or consumer by the Village shall constitute a contract between the applicant or consumer and the Village to which contract both parties are bound. If any consumer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Village Board or the utilities superintendent may adopt, the superintendent or his agent may cut off or disconnect the water service from the building or premises or place of such violation until such time as he is of the opinion that water service may be resumed without violation of said rules and regulations.

D. 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/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/she shall be charged for water monthly until the clerk is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 7-206: NEW SERVICE PROCEDURE

A. All service pipes must be laid to a depth of at least 4 feet under the surface of the ground and be so protected as to prevent rupture by freezing. Each customer shall keep his/her own service pipes in good condition and free from leaks and in the event of failure to do so, the Village shall shut off said service to said premises.

B. The Village shall carry the water service from the main to the approximate lot line and shall install the necessary curb cock and housings. The property owner shall pay to the Village a service charge for each property and shall pay the Village for all materials and labor for extending the service from the main. Such charge shall be set by the Village Board and filed in the office of the village clerk. Any extension of service from the lot line to the building shall be performed by the property owner, subject to inspection and approval by the water commissioner. Nothing herein contained shall be construed as requiring the Village to extend its mains or to render service unless the mains shall be immediately adjacent to the property to be served.

C. The Village shall furnish and install a suitable meter and stop and waste valve which shall at all times be and remain the property of the Village. Any expense for additional materials or labor required in the installation of the meter and valve, or any pits or other structures required, shall be charged to the customer and paid by such customer at the time of installation.

(Ord. No. 188, 06/12/02)

SECTION 7-207: TAP AND INSPECTIONS

It shall be the duty of the utilities superintendent to make the tap into the water main for new service. It shall be the obligation of the applicant to contract with a licensed plumber to bring service to the premises. Three inspections shall be made by the utilities superintendent in bringing in new service: (A) when all pipes are connected but before they are covered; (B) after the pipes are covered with earth and well tamped; and (C) when the water is turned on.

SECTION 7-208: PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free. For the purpose 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) (Ord. No. 131, 05/05/88)

SECTION 7-209: LICENSED PLUMBERS

It shall be unlawful for any plumber to do any work upon any of the pipes or appurtenances of the system of waterworks or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber shall be first properly licensed as prescribed in Chapter 5, Article 5 (Plumbers). All plumbing shall be skillfully done and in the manner required by the utilities superintendent and approved by the Village Board. (Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION EXPENSE

The entire cost of tapping the main and providing fixtures and labor up to and including the stop box at the lot line of the customer shall be the customer's financial responsibility. The utilities superintendent or his duly authorized agent shall be present at the time the main is tapped. The customer shall pay a hookup fee in such amount as the Village Board may set from time to time by resolution or ordinance. All materials involved in tapping and connecting to the main and the curb stop shall be approved by the superintendent before installation. Curb stops shall be placed at the discretion of the superintendent. The customer shall, at his/her own expense, bring water service from the stop box and upon his/her own premises and shall employ a competent plumber to install water service to the place of dispersement, provided said plumber shows proof of liability insurance to the village clerk.

SECTION 7-211: RATES; CLASSIFICATION

Water users shall pay a flat rate for the use of water. Such rate shall be set by ordinance of the Board of Trustees and placed on file at the office of the clerk for public inspection during office hours. However, the board may, in its discretion, set different rates for such reasonable classifications of users as it may deem equitable and proper. In the instance of multiple dwellings, trailer courts, or similar housing arrangements, a separate charge shall be made for each distinct living unit.

SECTION 7-212: BILLING, COLLECTION, NON-PAYMENT, TERMINATION

Procedures for billing, collection, non-payment and termination of water service are set forth in Section 7-102.

SECTION 7-213: REPAIRS AND MAINTENANCE

If any leak or break in any water pipe shall occur, the utilities superintendent or his agent shall forthwith shut off water to said premises until said leak or break is repaired by the consumer; provided, such repairs or replacements shall be done by a properly licensed plumber under the supervision of the superintendent. All supply or service pipe when leaking or out of condition shall be replaced or repaired by the plumber doing the work at no cost to the consumer during the period of 12 months from and after construction is completed and the work is accepted and approved by the utilities superintendent. After the maintenance period shall have expired, all replacements shall be made as in the case of leaks or breaks as provided herein. Should any consumer fail, neglect, or refuse to take steps to replace or repair his/her service pipe, after notification in writing by the utilities superintendent to do so forthwith, such pipe may be cut off at the curb cock or shut-off until said pipe is satisfactorily repaired or until new pipe is installed. The Village shall replace service line from the water main to and including the curb stop at the Village's expense.

SECTION 7-214: RIGHT OF ENTRY FOR INSPECTION

The Village or its agents shall have the exclusive right to test and repair all meters and the Village may charge the customer the reasonable value of making any such repairs required for any cause other than ordinary wear, and the duly authorized agents of the Village shall have free access, during all reasonable hours of the day to all parts or every building in which water is delivered for the purpose of reading meters, examining pipes and fixtures, and testing and repairing meters. (Ord. No. 188, 06/12/02)

SECTION 7-215: WATER LEAKAGE; POLICE REPORTS

It shall be the duty of the village police to report to the utilities superintendent all cases of leakage and waste in the use of water and all violations of the municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

SECTION 7-216: SINGLE PREMISES

The occupants of each separate residence, place of business or establishment shall be considered as a separate customer, except that where the same person may have more than one residence, place of business or establishment on the same or adjacent lots and all are served by a single service line, such person shall be considered a single customer. (Ord. No. 188, 06/12/02)

SECTION 7-217: DESTRUCTION OF PROPERTY

No person shall willfully or carelessly break, injure or deface, interfere with or disturb any machinery, apparatus, fixtures, attachment or appurtenance of the water works of said Village or any public or private hydrant, hose, stop cock, meter, water supply or service pipe or any part thereof nor shall any person deposit anything in any stop cock box or commit any act intending to obstruct or impair the intended use of any of the above-mentioned properties. (Neb. Rev. Stat. §28-512) (Ord. No 188, 06/12/02)

SECTION 7-218: POLLUTION

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

SECTION 7-219: BACKFLOW PREVENTION

A. A cross-connection control officer shall be appointed by the Board of Trustees to oversee the enforcement of this section. This person 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, *Regulations Governing Public Water Supply Systems*.

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

C. A customer of the Water Department may be required by the cross-connection control officer to install and maintain a properly located backflow prevention device at the customer's expense appropriate to the potential hazard as set forth in Title 179, *Regulations Governing Public Water Supply Systems*, and approved by the cross-connection control officer

D. The customer shall make application to the cross-connection control officer to install a required backflow prevention device. The written 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.

E. The cross-connection control officer shall approve or disapprove the appli-

cation based on whether such installation will protect the village water distribution system from potential backflow and backsiphonage hazards.

F. When a testable backflow prevention device shall be required, the customer shall also 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 6 certified water operator or a Grade 6 licensed plumber. Excluded from testing are lawn sprinklers, unless hazardous chemicals are to be added through the sprinklers.

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

H. Any customer refusing to report on possible cross-connections on his/her premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually shall be in violation of this ordinance and may have the water service discontinued. Any customer who has had his/her service discontinued for violation of this ordinance 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. Such fee shall be set by the Village Board and filed in the office of the village clerk.

(Ord. Nos. 185, 4/2/02; 205, 05/04/05; 238, 10/5/11)

SECTION 7-220: DIVERSION OF SERVICES; PENALTY

A. The Village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (1) bypassing, (2) tampering or (3) unauthorized metering when such act results in damages to a village utility. The Village may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

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

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

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

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

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

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

(Neb. Rev. Stat. §87-331.01 through 87-331.04)

SECTION 7-221: LIABILITY

The Village shall in no manner 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 caused by the freezing of the main or the breaking of any pipe or service cock or by shortage of water due to accident, to circumstances over which such Village has no control or to an act of God. (Ord. No. 188, 06/12/02)

SECTION 7-222: WATER CONSERVATION PLAN; WATCH, WARNING, EMERGENCY

A. Definitions:

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

B. *Classes of Water Use Established.* The following classes of water use are hereby established for users of the village water system:

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

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

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

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

F. *Voluntary Conservation Measures.* Upon the declaration of a water watch or water warning as provided in subsections (C) and (D), the chairman or the water commissioner is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses, including but not limited to limitations on the following uses: (1) sprinkling of water on lawns, shrubs, or trees (including ball fields); (2) washing of automobiles; (3) use of water in swimming pools, fountains and evaporative air conditioning systems; (4) waste of water.

G. *Mandatory Conservation Measures.* Upon the declaration of a water supply emergency as provided in subsection (E), the chairman and the water commissioner are also authorized to implement certain mandatory water conservation measures, including but not limited to the following:

1. Suspension of new connections to the Village's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the Village prior to the effective date of the declaration of the emergency;
2. Restrictions on the uses of water in one or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. The imposition of water rationing based on any reasonable formula including but not limited to the percentage of normal use and per capita or per consumer restrictions;
5. Complete or partial bans on the waste of water; and
6. Any combination of the foregoing measures.

H. *Emergency Water Rates.* Upon the declaration of a water supply emergency as provided in subsection (E), the Village Board shall have the power to adopt by ordinance emergency water rates designed to conserve water supplies. Such emergency rates may provide for but are not limited to: (1) higher charges for increasing usage per unit of use (increasing block rates); (2) uniform charges for water usage per unit of use (uniform unit rate); or (3) extra charges in excess of a specified level of water use (excess demand surcharge).

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

J. *Violations, Disconnections and Penalties.*

1. If the chairman, water commissioner or board member charged with implementation and enforcement of this ordinance or a water supply emergency resolution learns of any violation of any water use restrictions imposed pursuant to subsections (G) or (I) herein, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the Village who is responsible for the violation or its correction shall be provided with either personal or mail notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the Village determines is reasonable under the circumstances. If the order is not complied with, the Village may terminate water service to the customer subject to the following procedures:
 - a. The Village shall give the customer notice by mail or personal notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing before the Village Board.
 - b. If such a hearing is requested by the customer charged with the violation, he/she shall be given a full opportunity to be heard before termination is ordered; and
 - c. The Village Board shall make findings of fact and order whether service should continue or be terminated.
2. A fee shall be paid for reconnecting of any water service terminated pursuant to subsection (J)(1). The fees shall increase for subsequent violations. Such fees shall be set by the Village Board and placed on file in the office of the village clerk.
3. Violations of this ordinance shall be a village offense and the penalty shall be a mandatory fine as set by the Village Board and placed on file in the office of the village clerk.

K. *Emergency Termination.* Nothing in this ordinance shall limit the ability of any properly authorized village official from terminating the supply of water to any or all customers upon the determination of such official that emergency termination of water service is required to protect the health and safety of the public.

L. *Severability.* If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and

circumstances shall not be affected thereby.
 (Ord. No. 173, 07/05/00)

SECTION 7-223: WELLHEAD PROTECTION

The Village Board has designated a Wellhead Protection Area for the purpose of protection of the public water supply system. The boundaries are based upon the well-head protection area map drawn by Bill Lukash, NRWA, adopted by the Nebraska Department of Environmental Quality, presented to the Village in 2001 and incorporated by reference herein. "Wellhead Protection Area" shall mean the surface and subsurface area surrounding a water well or wellfield supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or wellfield. (Ord. No. 211, 04/08/06)

SECTION 7-224: OPERATION OF CERTAIN FACILITIES NEAR VILLAGE WATER WELLS

A. Every well, infiltration line or spring serving or intended to provide water for a public water supply system shall be located, constructed or modified in such a manner that neither underground nor surface contamination by any biological, chemical or radioactive substance or by the physical property of any substance from any cesspool, privy, septic tank, sub-surface tile system, sewer, drain, pit below ground surface, abandoned well, animal or avian wastes or any other possible source of pollution can adversely affect such water supply. The minimum horizontal distance in feet separating the well or spring from potential sources of contamination shall be as described below:

<i>CATEGORY</i>	<i>DISTANCE</i>
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
(Am. by Nebr. HHS 4/4/10)	

B. The Village may seek injunctive relief in the District Court to enjoin in any

continuing or recurring violation of this ordinance.
(Ord. No. 206, 09/07/05)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The Village owns the Sewer Department and operates the same through the utilities superintendent. The Village Board, for the purpose of defraying the cost of operation, maintenance and replacement and costs of debt retirement of bonded capital associated with financing any portion of the village sewer system, may establish a user charge system based on a flat rate system plus a fee based on water usage for businesses and revise the charges, if necessary, to accomplish the following:

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

B. In addition to the user charge system, the Village Board, for the purpose of paying the costs of debt retirement of bonded capital associated with 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 utilities superintendent shall have direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Village Board

(Neb. Rev. Stat. §17-925.01) (Ord. No. 225, 07/09/08)

SECTION 7-302: DEFINITIONS

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

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

"Building or house 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 sewer" shall mean the extension from the building drain to the public sewer

or other place of disposal.

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

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

"Village" shall mean the Village of Palmer, Nebraska.

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

"Operation and maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

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

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

"Sewer system" shall mean all facilities for collecting, pumping, treating, and dispos-

ing of sewage.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"Storm sewer" shall mean a sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Suspended solids" shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by filtering.

"Treatment works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of village sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers; outfall sewers; sewage collection systems; individual systems; pumping, power, and other equipment and their appurtenances; and extensions, improvement, remodeling, additions and alterations thereof; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, sorting, treating, separating, or disposing of village waste or industrial waste.

"Utilities superintendent" shall mean the utilities superintendent and/or public works director of the Village or his authorized deputy, agent, or representative.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. No. 225, 07/05/08)

SECTION 7-303: RESERVATION OF RIGHTS

The Village Board reserves the right to amend or alter any ordinances, rules, or regulations pertaining to sewer service, including the rates herein established, when it deems advisable.

SECTION 7-304: UNLAWFUL WASTE DISPOSAL

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

B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. Use of any septic system in existence at the time of the enactment of this ordinance is permitted until such time as a replacement of such system

may be needed. (Neb. Rev. Stat. §17-208)

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

(Ord. No. 225, 07/09/08)

SECTION 7-305: 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 or combined sewer of the Village is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within 90 days after date of official notice to do so, provided that such public sewer is within 100 feet of the property line.

B. The property owner, occupant or lessee of any premises that abuts a sewer main that is now or may hereafter be laid shall without delay cause the said building to be connected with sewer system and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the sewer system at the time of its construction. In the event that any property owner, occupant or lessee shall neglect, fail or refuse within a period of ten days after notice has been given to him/her to do so by registered 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 assessment thus made in the manner provided for collection of other special taxes and assessments.

(Neb. Rev. Stat. §17-149, 17-149.01) (Ord. No. 225, 07/09/08)

SECTION 7-306: PERMITS

A. There shall be two classes of building sewer permits:

1. For residential and commercial service and
2. For service to establishments producing industrial wastes.

B. In either case, the owner or his/her agent shall make application on a form furnished by the Village. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the Village at the time the application is filed. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection at during office hours.

C. All costs and expenses incident to the installation and connection of the

building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. In such case, 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.

(Ord. No. 225, 07/09/08)

SECTION 7-307: CONSUMER'S APPLICATION; TAP FEE, DEPOSIT

Any person or persons wishing to receive sewer services or connect with the sewer system shall make application to the village clerk upon a form provided by the Village. Any application for sewer service or connection with the sewer system shall be made by the owner of the premises or his/her duly authorized agent. If the application for sewer service is approved by the village clerk, he/she shall collect a tap fee and a deposit for utility services in such amount as the Village Board may prescribe. Amounts shall be on file at the office of the village clerk for public inspection during office hours. The clerk shall then issue to the applicant a receipt which said applicant shall deliver to the utilities superintendent, who shall authorize sewer service. (Ord. No. 225, 07/09/08)

SECTION 7-308: SEWER CONTRACTS; NOT TRANSFERABLE

A. The Village shall furnish sewer service to persons within its corporate limits whose premises abut a street or alley in which a main is laid and may furnish sewer service to persons within its corporate limits whose premises do not abut a street or alley in which a sewer main is laid. The village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the village, as and when, according to law, the Village Board may see fit to do so.

B. The rules, regulations and sewer rates herein named shall be considered a part of every application made for sewer service and a part of the contract of every consumer served by the Village. The making of an application on the part of any applicant or the use of sewer service by present customers and the furnishing of sewer service to the applicant or customer by the Village shall constitute a contract between the applicant or customer and Village to which contract both parties are bound. If any customer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Village Board or the utilities superintendent may adopt, the superintendent or his agent may cut off or disconnect the sewer service from the building or premises by shutting off water to the premises, or otherwise, until such time as the superintendent is of the opinion that sewer service may be resumed with-

out violation of said rules and regulations.

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 premises are destroyed by fire or other casualty, he/she shall at once inform the village clerk. If the customer shall fail to give such notice, he/she shall be charged for sewer service monthly until the clerk is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-901, 17-902, 18-503, 19-2701) (Ord. No. 225, 07/09/08)

SECTION 7-309: NEW SERVICE 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. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition at the cost of the applicant and in strict compliance with the directives of the street commissioner. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the street commissioner shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the applicant or his/her principal.

B. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly be occasioned by the installation of the building sewer.

(Ord. No. 225, 07/09/08)

SECTION 7-310: TAP AND INSPECTIONS

It shall be the duty of the utilities superintendent to make the tap into the sewer main for new service. It shall be the obligation of the applicant to contract with a licensed plumber to bring service to the premises and to notify the utilities superintendent when the building sewer is ready for inspection. Three inspections shall be made by the utilities superintendent: (1) when all pipes are connected but before they are covered; (2) after the pipes are covered with earth and well tamped; and (3) when the service is turned on. (Ord. No. 225, 07/09/08)

SECTION 7-311: LICENSED PLUMBERS

It shall be unlawful for any plumber to do any work upon any of the pipes or appurtenances of the system of sewer works or to make any connection with or extension of the sewer pipes of any consumer until such plumber shall be first properly licensed,

as prescribed in Chapter 5, Article 5 (Plumbers). All plumbing shall be skillfully done and in the manner required by the utilities superintendent and approved by the Village Board.

SECTION 7-312: USE OF EXISTING SEWERS

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

SECTION 7-313: UNLAWFUL CONNECTION

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

B. No person shall make connection of roof downspouts, exterior and/or interior 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; provided, 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.

(Ord. No. 225, 07/09/08)

SECTION 7-314: CONSTRUCTION CODES

A. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the utilities superintendent before installation.

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

C. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of

the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the utilities superintendent before installation.

(Ord. No. 225, 07/09/08)

SECTION 7-315: OPERATION AND MAINTENANCE

A. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement (OM&R) Fund.

B. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the OM&R Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. Such rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

E. At least once every two years, the chairman and Village Board shall review the sewer user charge system in order to maintain its adequacy to pay the costs of operation and maintenance, including replacement.

F. The Village will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the treatment works.

(Ord. No. 225, 07/09/08)

SECTION 7-316: RATES; CLASSIFICATION

A. The Village Board has the power and authority to fix the rates to be paid by the customers of the Sewer Department monthly at the same time and in the same manner as water and solid waste. The sewer rates shall be on file in the office of the village clerk.

C. The Village Board of Trustees for the purpose of rental fees may classify the customers of the Village Sewer Department; provided, such classifications are reasonable and do not discriminate unlawfully against any consumer or group of customers. (Neb. Rev. Stat. §17-925.02)

D. The following classes of users are hereby established by ordinance: (1) residential and (2) commercial. In case of multi-family residential users, including apartment complexes, the charge shall be the residential class rate times the number of dwelling units.

B. Residential customers of the Sewer Department shall be charged a flat rate for the use of sewer service. Commercial customers shall be charged a flat rate, plus a charge as determined by the Village Board for every 1,000 gallons of water used, with the average taken from the December, January and February usage.

C. The Village Board shall have the power by resolution to establish fair and reasonable special assessments to the sewer users to apply only in special cases which are not covered by the established schedule of rates.

(Ord. No. 225, 07/09/08)

SECTION 7-317: BILLING, COLLECTION, NON-PAYMENT, TERMINATION

Procedures for billing, collection, non-payment and termination of service are set forth in Section 7-102.

SECTION 7-318: REPAIRS AND MAINTENANCE

The Village Sewer Department may require the owner of any property which is within the Village and connected to the public sewers 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. (Ord. No. 225, 07/09/08)

SECTION 7-319: LIABILITY

The Village shall not be liable for any damage suffered by any person through any portion of its sewerage system even though the utilities superintendent may have supervised, inspected, or approved said sewerage services; nor shall the Village be liable for any sewer backup occasioned by any of the pipes falling into disrepair or clogging and it shall be the duty of every customer of the sewer system to install appropriate protective devices to prevent the backup of sewer service waste materials into the premises of the customer.

SECTION 7-320: POLICE REPORTS

It shall be the duty of the village police to report to the utilities superintendent all cases of leakage and disrepair of the sewer system and all violations of the Municipal Code relating to the Sewer Department. The police shall have the additional duty of the enforcement of all such regulations.

SECTION 7-321: AIR CONDITIONING UNITS; SPECIAL PERMIT

No discharge from any air conditioning unit shall be allowed to be made in any fixture or appliance connected with the village sewer system except upon special permit in

writing from the Board of Trustees by resolution. Outlet water from said units shall be discharged or deposited in appliances connected with storm sewers or upon the premises of the owner or user of said units or in any drain leading to any storm sewer if such discharge or deposit shall not prejudicially affect the public health or convenience. Connections shall be made only by a licensed plumber.

SECTION 7-322: SANITARY SEWER; ENTRANCE INTO MANHOLES; DAMAGE

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. 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 sanitary sewer. Any person or persons violating this provision shall be subject to immediate arrest and may be prosecuted to the full extent of the law. (Ord. No. 225, 07/09/08)

SECTION 7-323: DESTRUCTION OF PROPERTY

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

SECTION 7-324: 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 is deemed necessary by the superintendent. A permit and inspection fee shall be paid at the time the application is filed. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection during office hours.

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 24 hours of the receipt of notice by the superintendent.

D. The type, capacities, locations and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Public Health and Department of Environmental Quality. 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 10,000 square feet. 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 ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
(Ord. No. 225, 07/09/08)

SECTION 7-325: UNUSUAL DISCHARGES; PRELIMINARY TREATMENT; MAINTENANCE OF FACILITIES

A. In the event a customer of the Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand, the utilities superintendent may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he/she shall prescribe, subject to the review of the Village Board.

B. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
(Ord. No. 225, 07/09/08)

SECTION 7-326: GREASE, OIL AND SAND INTERCEPTORS

A. Grease, oil and sand interceptors shall be provided when in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

B. All private areas draining into the sanitary sewer system where cars or other vehicles are washed or greased, livestock are butchered, meals are served for profit, or any other areas where gravel, dirt, soil, grease or any other hydrocarbon is likely to enter the public sewer system shall be equipped with a gravel or grease trap of adequate design to eliminate such gravel, dirt, soil, grease or other hydrocarbon from the line to the public sewer system. Such trap shall be cleaned as necessary to enable it to prevent such gravel, dirt, soil, grease or hydrocarbon from entering the sewer system.
(Ord. No. 225, 07/09/08)

SECTION 7-327: PROHIBITED DISCHARGES

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

B. Stormwaters 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 superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent to a storm sewer, combined sewer or natural outlet.

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

1. Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosive liquid, solid or gas.
2. 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.
3. 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.
4. Solid or viscous substances in quantities or of such size 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 fleshings, whole or ground by garbage grinders.
5. Any waters or wastes having (a) a five-day BOD greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the Village, or (d) chlorine requirement greater than demanded by normal sewage as evaluated by the Village's consulting engineer shall be subject to the review of the utilities superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the sus-

pended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes, or (d) reduce the chlorine requirement to conform with normal sewage.

6. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. No. 225, 07/09/08)

D. No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150° F.
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or

other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
 - c. Unusual OM, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated above and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (G) below.

F. If the superintendent permits the treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.

G. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industry whereby an industrial waste or unusual strength or character may be accepted by the Village for treatment, subject to additional rental fees or other charges.

H. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the Village's treatment works or any user which discharges any substance, which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the responsible plant operation personnel and approved by the Village Board.

(Ord. No. 225, 07/09/08)

SECTION 7-328: RIGHT OF ENTRY FOR INSPECTION

A. The utilities superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall have free access at any reasonable time to all parts of each premises and building which is connected with the sewer system to ascertain whether there is any disrepair or violation of this article therein. (Ord. No. 225, 07/09/08)

B. All entry and subsequent work shall be done in full accordance with the terms of any duly negotiated easement pertaining to the private property involved. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

C. While performing the necessary work on private properties referred to above, the superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, which shall be held harmless for injury or death to village employees; and the Village shall indemnify the company against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7-329 below.

SECTION 7-329: CONTROL MANHOLE; WHEN REQUIRED

A. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole,

together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

B. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(Ord. No. 225, 07/09/08)

SECTION 7-330: VIOLATION; LIABILITY

A. Any person found to be violating any provisions of the hazardous discharge provisions, Sections 7-325 through 7-329, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for herein shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount set by the Village Board for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this article shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

(Ord. No. 225, 07/09/08)

Article 4 – Solid Waste

SECTION 7-401: DEFINITIONS

The following definitions shall apply throughout this section. Where no definition is provided, the normal dictionary use of the word shall apply.

“Ashes” shall mean the residue resulting from the burning of wood, coal, coke or other combustible material.

“Garbage” shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

“Refuse” shall include all solid wastes, except body wastes, and shall include garbage, ashes and rubbish.

“Rubbish” shall include metal, paper, wood or non-putrid solid waste.

Other – the singular shall include the plural and the masculine shall include the feminine or neuter.

(Ord. No. 220, 06/06/07)

SECTION 7-402: REFUSE DISPOSAL

It shall be unlawful to dump, bury, destroy or otherwise dispose of refuse within the corporate limits of the Village or within one mile thereof. (Ord. No. 220, 06/06/07)

SECTION 7-403: COLLECTION SERVICE; CONTRACTOR

A. The Village shall operate a solid waste collection service within the Village. Collection service shall be mandatory for every residential unit, business, and commercial establishment which is currently hooked up to the Village’s sewer system; provided, the Village shall not be required to collect solid waste of types which the Village's collection equipment is not designed to handle.

B. The contractor agrees further to furnish suitable dumpsters for the collection of garbage which shall be consistent with the use of its equipment. Such dumpsters shall be maintained and in a good state of repair and the contractor shall clean and sanitize all dumpsters as needed to prevent them from emitting any offensive odors or becoming a health hazard. Such dumpsters shall remain the property of the contractor.

C. It shall be the duty of the sanitation contractor or remove all garbage to the dumping ground in accordance with pickup schedules to be established by the contractor and the Village. The frequency of the pickup of garbage from commercial institutions shall be agreed upon between the sanitation contractor and the individual

business concerned but in no case shall be less than once each week every Thursday.

D. It shall be the duty and responsibility of the sanitation contractor to leave all areas of the collection points clean and free from litter after collections are made and to take every precaution possible to prevent garbage and other refuse from blowing or scattering while it is being hauled to the dumping ground.

(Ord. No. 220, 06/06/07)

SECTION 7-404: RATES

Billing rates for residential, commercial and industrial garbage collection service shall be set by the Village Board and filed in the office of the village clerk for public inspection during office hours. Additional rates may be charged in the case of a commercial establishment requiring substantially more than the service normally required for a residential customer. Such commercial establishment shall be advised of the proposed rate to be charged for service to it and shall be given the opportunity to discuss such rate. Payment shall be made as provided in Section 7-102 herein. (Ord. No. 220, 06/06/07)

SECTION 7-405: COLLECTION OF MATERIALS; TERMS AND CONDITIONS

A. Garbage shall be bagged in plastic or similar material.

B. Rubbish shall be placed in approved containers.

C. It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or side of any container; the interior of the container shall be kept clean by thorough rinsing and draining as often as necessary.

D. It shall be unlawful to place refuse in any street, alley, stream, body of water, or any other public place or upon private property unless the refuse is placed in an approved container where required by these provisions.

E. Refuse containers shall, for the purpose of collection, be placed at ground level and made readily accessible to the collector; provided, householders, commercial establishments or other persons may, by contact with collectors, be permitted to place containers at agreed upon places upon their premises.

(Ord. No. 220, 06/06/07)

SECTION 7-406: COLLECTION; VEHICLES

All vehicles used for collection of garbage shall be equipped with closed bodies and shall have enclosed cargo space. It shall be unlawful to collect, haul, transport or convey garbage in open, unenclosed vehicles. Such vehicles shall be cleaned with sufficient frequency so as not to cause offense to the eye or nose. (Ord. No. 220, 06/06/07)

SECTION 7-407: UNOCCUPIED PREMISES

The owner, or his/her agent, of any premises which remain unoccupied for a period of not less than 30 days may notify the village clerk in writing that collection service will not be required for that reason. No service charges shall be payable for the period following receipt of the notice until the premises are again occupied, at which time the owner or agent shall promptly so notify the village clerk.

SECTION 7-408: BURNING PROHIBITED; EXCEPTIONS

It shall be unlawful for any person, firm or corporation to burn any materials, substances, articles or rubbish on any lot, tract of land, street or alley, or in any barrel or other container except as otherwise provided in this article. This article shall not be construed to prohibit:

A. Burning done in a furnace or fireplace solely for the purpose of heating the building in which the furnace or fireplace is situated or burning done in a heater, water heater or cooling stove if the furnace, fireplace, space heater, water heater or cooking stove is so constructed that the smoke and fumes are vented into a masonry or metal flue of a type which complies with all village ordinances.

B. Burning done in a furnace, stove or incinerator incidental to a business or a commercial or industrial process or for the purpose of disposing of business, commercial and industrial waste if the furnace, stove or incinerator is situated on premises used primarily for business, commercial or industrial purposes and if the furnace, stove or incinerator is vented as required in subsection (A) above.

C. Burning done by the Volunteer Fire Department in the course of training of its members.

D. Burning of weeds, brush or grass done or caused to be done by the owner or occupant upon the written application of such person to the fire chief.

SECTION 7-409: DEAD ANIMALS; REMOVAL

Any dead animal shall be immediately removed by its owner and if the owner cannot be found within two hours after discovery of the same, then such animal shall be removed and buried by and at the expense of the Village. Animals shall not be buried within the corporate limits of the Village nor in or about the course of the ground water that is used for drinking purposes by village inhabitants.

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.