

CHAPTER 6 – UTILITIES

ARTICLE 1 – WATER DEPARTMENT

- 6-101 TERMS DEFINED
- 6-102 OPERATION AND FUNDING
- 6-103 MANDATORY HOOKUP;
- 6-104 CONSUMER'S APPLICATION; DEPOSIT
- 6-105 WATER CONTRACT; NOT TRANSFERABLE
- 6-106 LEAD PIPES, SOLDER AND FLUX PROHIBITED
- 6-107 INSTALLATION PROCEDURE
- 6-108 INSTALLATION EXPENSE
- 6-109 NEW MAIN INSTALLATION
- 6-110 FEES AND COLLECTIONS
- 6-111 MINIMUM RATES
- 6-112 WATER BILLS; DELINQUENCY
- 6-113 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE
- 6-114 LIEN
- 6-115 COMPLAINTS
- 6-116 WATER SERVICE BEYOND CORPORATE LIMITS; RATES
- 6-117 SINGLE PREMISES
- 6-118 UNLAWFUL CONNECTION
- 6-119 REPAIRS AND MAINTENANCE
- 6-120 FIRE HYDRANTS
- 6-121 POLLUTION
- 6-122 INSPECTION
- 6-123 DESTRUCTION OF PROPERTY
- 6-124 WATER WELLS; DEFINED; STRUCTURES OR ACTIVITIES
PROHIBITED WITHIN DEFINED DISTANCE FROM EXISTING
WELLS; PERMITS, EXCEPTIONS
- 6-125 COMMERCIAL LIVESTOCK WATERING OPERATIONS
- 6-126 DIVERSION OF SERVICES; PENALTY
- 6-127 BACKFLOW AND CROSS-CONNECTION CONTROL; GENERAL
POLICY
- 6-128 BACKFLOW AND CROSS-CONNECTION CONTROL; CROSS-
CONNECTIONS PROHIBITED
- 6-129 BACKFLOW AND CROSS-CONNECTION CONTROL; DEVICES
REQUIRED; CUSTOMER INSTALLATION, MAINTENANCE AND
TESTING
- 6-130 BACKFLOW AND CROSS-CONNECTION CONTROL; SURVEY
AND INVESTIGATIONS
- 6-131 BACKFLOW AND CROSS-CONNECTION CONTROL; TYPE OF
PROTECTION REQUIRED
- 6-132 BACKFLOW AND CROSS-CONNECTION CONTROL; WHERE
PROTECTION IS REQUIRED

- 6-133 BACKFLOW AND CROSS-CONNECTION CONTROL;
TYPES OF DEVICES
- 6-134 BACKFLOW AND CROSS-CONNECTION CONTROL;
INSTALLATION
- 6-135 BACKFLOW AND CROSS-CONNECTION CONTROL; FAILURE
TO FOLLOW PROCEDURES; PENALTY
- 6-136 RESTRICTED USE
- 6-137 WATER DROUGHT OR EMERGENCY; DEFINITIONS
- 6-138 WATER DROUGHT OR EMERGENCY; DECLARATION OF
WATER WATCH
- 6-139 WATER DROUGHT OR EMERGENCY; DECLARATION OF
WATER WARNING
- 6-140 WATER DROUGHT OR EMERGENCY; DECLARATION OF
WATER EMERGENCY
- 6-141 WATER DROUGHT OR EMERGENCY; VOLUNTARY
CONSERVATION MEASURES
- 6-142 WATER DROUGHT OR EMERGENCY; MANDATORY
CONSERVATION MEASURES
- 6-143 WATER DROUGHT OR EMERGENCY; EMERGENCY WATER
RATES
- 6-144 WATER DROUGHT OR EMERGENCY; REGULATIONS
- 6-145 WATER DROUGHT OR EMERGENCY; VIOLATIONS,
DISCONNECTIONS AND PENALTIES
- 6-146 WATER DROUGHT OR EMERGENCY; EMERGENCY
TERMINATION

ARTICLE 2 – SEWER DEPARTMENT

- 6-201 TERMS DEFINED
- 6-202 OPERATION AND FUNDING
- 6-203 PUBLIC SEWERS REQUIRED
- 6-204 PRIVATE SEWAGE DISPOSAL
- 6-205 PENALTY FOR LATE HOOKUP
- 6-206 SEWER CONTRACT; NOT TRANSFERABLE
- 6-207 SERVICE TO NON-RESIDENTS
- 6-208 INSTALLATION EXPENSE
- 6-209 LICENSED PLUMBER; LIABILITY
- 6-210 SEWER CONSTRUCTION
- 6-211 EXCAVATION PROCEDURE
- 6-212 CLASSIFICATION
- 6-213 SEWER USE RATES; BILLS
- 6-214 DELINQUENCY; LIEN
- 6-215 REPAIRS AND MAINTENANCE
- 6-216 MANHOLES
- 6-217 DESTRUCTION OF PROPERTY

- 6-218 SURFACE WATER DISCHARGE INTO SANITARY SEWER PROHIBITED
- 6-219 HAZARDOUS AND PROHIBITED DISCHARGES; PRELIMINARY TREATMENT
- 6-220 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY COMMISSIONER
- 6-221 DISCHARGE OF PROHIBITED DISCHARGES; OPTIONS; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR PAYMENT OF USE FEE SURCHARGE
- 6-222 GREASE, OIL AND SAND INTERCEPTORS
- 6-223 PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER
- 6-224 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE
- 6-225 CONTROL MANHOLES/SAMPLING STATIONS; METHOD
- 6-226 PROHIBITED DISCHARGES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE
- 6-227 SPECIAL EQUIPMENT
- 6-228 INSPECTIONS; LIABILITY
- 6-229 VIOLATIONS; PENALTY; LIABILITY

ARTICLE 3 – SOLID WASTE DISPOSAL

- 6-301 LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL
- 6-302 COLLECTION RATES; DELINQUENCIES

ARTICLE 4 – NATURAL GAS RATE REGULATIONS

- 6-401 ADOPTION OF NATURAL GAS REGULATION ACT
- 6-402 GAS RATE COLLECTION FEE

ARTICLE 5 – PENAL PROVISION

- 6-501 VIOLATION; PENALTY

CHAPTER VI

UTILITIES

ARTICLE I – WATER DEPARTMENT

SECTION 6-101: TERMS DEFINED

The following definitions shall be applied throughout this article. 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 disbursing the same, in the Village.

"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.

"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 disbursed.

"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.

SECTION 6-102: OPERATION AND FUNDING

1. The chairman and Board of Trustees hereby find and determine that the Village owns and operates a waterworks plant and water system in and for the Village, and said village hereby adopts the following as the rules and regulations for service by and usage of the village waterworks plant and water system, which will govern the operation of the system.

2. For the purpose of defraying costs of the care, management and maintenance of the village waterworks plant and water system, the Village 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. Revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the village treasurer.

3. The water commissioner shall have the direct management and control of the village water system and shall faithfully carry out the duties of his office. He shall have the authority to prepare rules and regulations for the sanitary and efficient management of the water system subject to the approval, supervision and review of the Board of Trustees. The 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.

SECTION 6-103: MANDATORY HOOKUP

All persons within 300 feet of a water main shall be required, upon notice of the Board, to hook up with the village water system.

SECTION 6-104: CONSUMER'S APPLICATION; DEPOSIT

1. Every person desiring a supply of water must make application to the village clerk upon the form to be furnished for that purpose. A water service deposit as set by resolution of the Village Board shall be submitted by the occupant of the premises to be served. The service deposit shall be in the form of cash payment and may be refunded to the customer who is current in payment of the fees for water service for one continuous year after the service deposit has been made. In lieu of refund of the deposit, the deposit may be credited to the account of the customer.

2. Water may not be supplied to any house or private service pipe except upon the order of the water commissioner. The department shall not supply water service to any person outside the corporate limits without special permission from the 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 non-residents.

(Amended 11/4/04, Ord. No. 486)

SECTION 6-105: WATER CONTRACT; NOT TRANSFERABLE

1. The Village, through its water system, 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 whose premises do not abut a street or alley in which a village commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Village as and when, according to law, the Board of Trustees may approve. The rules, regulations and water rates referred to in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between the Village and every consumer now or hereafter served.

2. Without further formality, the making of application on the part of any applicant or the use or consumption of water 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 Board of Trustees may hereafter adopt, the water commissioner 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 except by order of said water commissioner or his agent.

3. 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 water commissioner, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the water commissioner is otherwise advised of such circumstances.

SECTION 6-106: LEAD PIPES, SOLDER AND FLUX PROHIBITED

Any pipe, solders or flux used in the installation or repair of any residential or non-residential plumbing system which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (1) solders and flux, not more than .2% lead, and (2) pipe and pipe fittings, not more than 8% lead.

SECTION 6-107: INSTALLATION PROCEDURE

1. 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 occasioning the least inconvenience to the public and providing for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade. 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 48 hours or more, the water commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer.

2. All installations or repairs of pipes require two inspections by the water commissioner. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the first work is completed and the service is restored. It is the consumer's responsibility to notify the water commissioner at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the terms established by the commissioner.

SECTION 6-108: INSTALLATION EXPENSE

The Village shall tap the water main at the expense of the Village unless the water commissioner, with the approval of the Village board, gives written permission to the plumber doing the work to tap the main. The customer shall pay a

tap fee in such sum as the Village Board has set and placed on file in the office of the village clerk; provided, a tap for a 3/4 inch pipe shall be deemed to be the minimum or base tap fee. The customer shall, at his/her own expense, bring water service from the curb stop to his/her own premises by employing a plumber who shall install service, including the water meter, to the place of discharge. The Village will provide the water meter. (Am. by Ord. No. 539, 8/14/14)

SECTION 6-109: NEW MAIN INSTALLATION

The Village shall not be required to extend water service at its own expense to any lot which does not abut on a street at a place where a commercial water main exists at the time the service shall be applied for. The costs of the extension of any water main for service to a specific consumer shall be borne by the applicant. The Village may furnish all labor and equipment necessary for the installation of water mains and services and shall charge the applicant the actual costs thereof. The Village shall be the owner of any water mains and shall maintain and replace the same at no cost to the applicant or user. Fire hydrants and valves pertaining to hydrants will be paid for out of the Water Fund. All new additions to the water main system shall be of four-inch or larger cast iron or approved polyvinyl chloride (PVC) pipe and shall form connecting loops where possible to eliminate dead ends. The manner in which connecting loops are accomplished shall be left to the discretion of the water commissioner. In cases where the main construction requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

SECTION 6-110: FEES AND COLLECTIONS

The Village Board has the power and authority to fix, by ordinance, the rates to be paid by 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, who shall bill the consumers and collect all money received on the account of the water department. He/she shall faithfully account for and pay to the village treasurer all revenue collected by him/her, making receipt therefor in duplicate, keeping one and filing the other in the water department's official records.

SECTION 6-111: MINIMUM RATES

All water consumers shall be liable for the minimum rate unless and until the consumer shall, by written order, direct the water commissioner to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again.

SECTION 6-112: WATER BILLS; DELINQUENCY

1. Water fees shall be due and payable monthly at the office of the village clerk. It shall be the duty of the customers of the water department to mail in their

payments or to present themselves monthly at the office of the village clerk to pay their bills in net cash. The water commissioner shall direct the village clerk to charge and collect from each customer a flat rate set by the Village Board for that class of customer, together with all other charges, properly itemized, due the water department. Bills shall be due on the first day of each month and shall be payable immediately.

2. Bills not paid by the 14th day of the month shall be deemed delinquent. Upon being deemed delinquent as herein defined, the village clerk shall give written notice of such delinquency to the consumer and shall demand payment immediately. The late fee for a delinquent payment shall be 5% of the current balance due, which amount shall be payable the following month.

3. There shall be assessed against the customer a reconnection fee, set by resolution of the Village Board and placed on file in the office of the village clerk, which must be paid in advance of reconnection to the village water supply in the event that water is shut off, to compensate the Village for the additional hookup necessary to provide water service again to the delinquent customer.

4. The customer has three options for payment of delinquent bills:

A. Pay the past due amount and the current month's bill. If the customer can pay both months, there will be no reconnect fee.

B. Pay the past due amount and the reconnect fee.

C. Pay the past due amount and have the reconnect fee put on the next month's bill. If a customer's water is shut off with the reconnect fee on the bill, he or she cannot have service restored until everything is paid (past due including old reconnect fee, and new month plus new reconnect fee).

5. The owner of any property, rental or otherwise, is responsible for payment of the delinquent account of the meter at his or her property if delinquent after 60 days. If a water bill is delinquent for more than 60 days, the water service will be terminated and not reinstated until the bill is paid in full. If the delinquent consumer is a known client of Social Services, it shall be the duty of the village clerk to notify the consumer and Social Services by certified mail of the proposed termination.

(11/4/04, Ord. No. 486; 4/11/13, Ord. No. 529)

SECTION 6-113: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

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. 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 of Trustees shall notify the domestic subscriber of the time, place and date scheduled for such conference. (Neb. Rev. Stat. §19-2702 et seq.)

SECTION 6-114: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing, 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 water rent. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the Board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

SECTION 6-115: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the water commissioner may appear before the Board of Trustees and present such grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off shall pay such charge under protest, in which event the village utility collector shall write on the receipt given such consumer the words "Paid Under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the Board of Trustees 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.

(Continued on next printed page)

(This page intentionally left blank)

(This space intentionally left blank)

SECTION 6-116: WATER SERVICE BEYOND CORPORATE LIMITS; RATES

The Village, by resolution of the Board of Trustees, shall have the authority to contract with any person, corporation or association to sell water service beyond its corporate limits when in the judgment of the Board it is beneficial for the Village to do so. The Village shall not incur any cost or expense beyond its commercial mains in providing the means of such service. Such service shall not be instituted or continued except to the extent that the facilities of the Village for supplying water service are in excess of the requirements of the inhabitants of the Village. For the furnishing of water beyond its corporate limits subject to the above conditions, the Village may establish rates with such persons, firms or corporations without regard to the rates specified for resident customers; provided, the contracts and rates made for the non-residents shall be uniform so far as they affect the users of equal amounts of water under such contracts. The Village Board shall have the power to set non-resident rates and charges to be paid by non-resident consumers. A copy of such rates shall be on file for public inspection at the office of the village clerk.

SECTION 6-117: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his/her premises nor shall any person, after water is supplied into a building, 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 water commissioner.

SECTION 6-118: UNLAWFUL CONNECTION

Water will not be turned on in any house or private service pipe except upon the order of the water commissioner or his/her duly authorized agent. Plumbers are strictly prohibited from turning on the water to any service pipe except on the order or permission of the water commissioner or his/her duly authorized agent. This rule shall not be construed to prevent any plumber from admitting water to test pipes, and for that purpose only. No person except the water commissioner or his/her agent shall by any device turn on water for use on any premises after the same shall have been shut off for non-payment of bills or any other cause.

SECTION 6-119: REPAIRS AND MAINTENANCE

The Village shall repair or replace, as the case may be, the water main and all supply pipes from the commercial water main and the curb stop. This will include repair to the curb stop, which shall remain the property of the Village. The consumer, at his/her own expense, shall replace and keep in repair all service lines from the curb stop to the place of dispersement. When leaks occur between the curb stop and the place of dispersement, the water commissioner shall shut off water service until such leaks are repaired, at the expense of the consumer.

SECTION 6-120: 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 Village Fire Department under the orders of the fire chief or the assistant fire chief to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with such hydrants.

SECTION 6-121: 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.

SECTION 6-122: INSPECTION

The water commissioner or his/her duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

SECTION 6-123: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, deface or destroy any building, machinery, apparatus, fixture or appurtenance of the village 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 water commissioner.

SECTION 6-124: WATER WELLS; DEFINED; STRUCTURES OR ACTIVITIES PROHIBITED WITHIN DEFINED DISTANCE FROM EXISTING WELLS; PERMITS, EXCEPTIONS

1. For purposes of this section, "water well" shall mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal property of the ground or extracting water from or injecting water into the underground water. "Water well" shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals or products mined or quarried or inserting media to repressure oil or natural gas bearing formation. The intent of this section is to establish control by the Village over the location of future potential sources of contamination within the Village and the extraterritorial jurisdiction of the Village's drinking water system, so as to prevent or minimize any hazard to the safety of the Village's drinking water.

2. It shall be unlawful to place, maintain, construct or replace any of the following structures or conduct any of the following activities within the distance specified below from any existing village water well, water storage tanks or existing underground water mains:

<i>Category</i>	<i>Distance</i>
Sewage Lagoon	1,000 feet
Water Well	1,000 feet
Village Water Main	500 feet
Absorption or Disposal Field for Waste	500 feet
Cesspool	500 feet
Chemical Storage	500 feet
Corral	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Petroleum Storage	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet

3. The construction of a water well within the corporate limits or within one mile of the corporate limits of the Village shall not be started unless a permit approved by the Village Board has been obtained.

4. The Village Board may consider allowing placement of water wells as defined by the Nebraska regulations governing public water supply systems (Title 179, NAC2) and Nebraska regulations governing water well construction, pump installation and water well abandonment standards (Title 178, NAC12, as amended from time to time), closer to a village water well than the limitations set forth herein. Closer placement shall be allowed only under the following conditions:

A. The Village shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his/her examination and report shall be paid by the applicant in addition to any previously paid estimated costs.

B. The Village Board shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in subsection (1), the Village Board must act to prevent all sources of possible or likely water contamination.

5. If the Village Board approves the installation, it shall submit the application, together with the engineer's report, to the State Department of Health for a final approval or denial. No installation shall be made without the approval of both the Village Board and the Department of Health.

6. Water wells in existence and use shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the Village. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this ordinance.

SECTION 6-125: COMMERCIAL LIVESTOCK WATERING OPERATIONS

No commercial livestock operations shall be allowed within the limits of the Village unless such operation shall have first obtained permission from said village.

SECTION 6-126: DIVERSION OF SERVICES; PENALTY

1. The Village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (A) bypassing, (B) tampering, or (D) 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.

2. 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:

A. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

B. Liquidation damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

3. In addition to damage or loss under subdivision (A) or (B) of this section, 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.

4. 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 (A) 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 (B) 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.

5. 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.

6. 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. §86-331.01 through .08)

SECTION 6-127: BACKFLOW AND CROSS-CONNECTION CONTROL; GENERAL POLICY

1. The purpose of these sections is:

A. To protect the public potable water supply of the village from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

B. To promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water systems and nonpotable water systems, plumbing fixtures and industrial-process systems.

C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

2. Application: These sections shall apply to all premises served by the public potable water system of the Village.

3. Policy: This ordinance will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

4. The village water department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service. The consumer is responsible for preventing contamination of the water system within the consumer's own premises.

(Amended 3/11/04, Ord. No. 481)

SECTION 6-128: BACKFLOW AND CROSS-CONNECTION CONTROL; CROSS-CONNECTIONS PROHIBITED

1. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the village water department and as required by state statutes or regulations of the Nebraska Department of Health or its authorized representative.

2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water department and the Department of Health.

3. No connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed

using acceptable plumbing practices considered by the village water department as necessary for the protection of health and safety.

SECTION 6-129: BACKFLOW AND CROSS-CONNECTION CONTROL;
DEVICES REQUIRED; CUSTOMER INSTALLATION,
MAINTENANCE AND TESTING

1. A cross-connection control officer shall be appointed by the Board of Trustees to oversee the enforcement of this ordinance. Such officer shall be responsible for reviewing the surveys submitted by the customers of the municipal water department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, "Regulations Governing Public Water Supply Systems."
2. All customers of the municipal water department shall be required to report to the cross-connection control officer every five (5) years any potential cross-connections which may be on their premises. Customers will have 90 days to complete the cross-connection survey. Customers who have not returned their surveys will receive a second notice. If still not completed, the third and final notice serving as notification that water service will be discontinued within seven days of notice. Penalties will be charged per Section 6-135.
3. 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 79 NAC 2, "Regulations Governing Public Water Supply Systems," and approved by the said officer.
4. 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, type of backflow prevention device to be installed, including make and model number, and the location of the proposed installation.
5. The cross-connection control officer shall approve or disapprove the application based on whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.
6. 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 IV certified water operator. Such certification shall be made on a form available from the office of the city clerk.
7. Any decision of the cross-connection control officer may be appealed to the Board of Trustees, whose decision shall be final.
(Amended 3/11/04, Ord. No. 481; 4/10/14, No. 535)

SECTION 6-130: BACKFLOW AND CROSS-CONNECTION CONTROL;
SURVEY AND INVESTIGATIONS

1. The consumer's premises shall be open at all reasonable times to the village water department or its authorized representative, for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections in the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
2. On request by the village water department or its authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises.

SECTION 6-131: BACKFLOW AND CROSS-CONNECTION CONTROL; TYPE
OF PROTECTION REQUIRED

The type of protection required by these regulations shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

SECTION 6-132: BACKFLOW AND CROSS-CONNECTION CONTROL;
WHERE PROTECTION IS REQUIRED

1. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises when, in the judgment of the village water department or its authorized representative, actual or potential hazards to the public potable water system exist. The type of degree of protection required shall be commensurate with the degree of hazard.
2. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the village water department, the nature and

extent of activities on the premises or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the village water department.

2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.

3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.

4. Premises that although not covered by code are subject to frequent modification which would change their status or premises that have had back-flow violations.

5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross-connection could reasonably be expected to occur. This shall include the handling or process waters and cooling waters.

6. Premises where toxic or hazardous materials are handled such that if a backsiphonage or back pressure should occur, a serious health hazard may result.

SECTION 6-133: BACKFLOW AND CROSS-CONNECTION CONTROL; TYPES OF DEVICES

1. Any backflow prevention device required by these regulations shall be of a model or construction approved by the village water department or its authorized representative and the Nebraska Department of Health.

A. Air gap separation to be approved shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel but in no case less than one inch.

B. Double check valve assemblies or reduced pressure principle backflow prevention devices shall be approved by the village water department and shall appear on the current "list of approved backflow prevention devices" established by the village water department.

2. Existing backflow prevention devices approved by the village water department at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this article so long as the village water department is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location, requires more than minimum maintenance, or when the village water department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this article.

SECTION 6-134: BACKFLOW AND CROSS-CONNECTION CONTROL; INSTALLATION

1. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the village water department or its authorized representative. All devices shall be installed at the expense of the consumer.

2. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the shut-off.

3. Backflow prevention devices shall be located so as to be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

SECTION 6-135: BACKFLOW AND CROSS-CONNECTION CONTROL; FAILURE TO FOLLOW PROCEDURES; PENALTY

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 his/her water service discontinued. Any customer who has had service discontinued for violation of this ordinance shall be subject to a \$50 reconnect fee to have the service reinstated after supplying proof that the potential cross-connection has been eliminated or properly protected. (3/11/04, Ord. No. 481)

SECTION 6-136: RESTRICTED USE

The Village Board or water commissioner may order a reduction in the use of water or shut off the water to any premises in the event of a water shortage due to fire or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Village has no control.

SECTION 6-137: WATER DROUGHT OR EMERGENCY; DEFINITIONS

"Water" shall mean the water available to the Village or any treated water introduced by the Village into its water distribution system, including water offered for sale at any coin-operated site.

"Customer" shall mean the customer of record using water for any purpose from the Village's distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

"Waste of water" 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.

The following classes of uses of water are established:

Class 1. Water used for outdoor watering: 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.

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 while such employees are engaged in the performance of their duties at their place of employment.

Class 3. Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4. Water necessary only to sustain human life and the lives of domestic pets and to maintain standards of hygiene and sanitation.

SECTION 6-138: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WATCH

Whenever the Village Board finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it 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 reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the Village Board to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their postings in three public places in the Village.

SECTION 6-139: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WARNING

Whenever the Village Board finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it 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 of the Village Board to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon postings in three public places in the Village.

SECTION 6-140: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER EMERGENCY

Whenever the Village Board finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare, by resolution, that a water 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 of the Village Board to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their postings in three public places in the Village.

SECTION 6-141: WATER DROUGHT OR EMERGENCY; VOLUNTARY CONSERVATION MEASURES

Upon the declaration of a water watch or water warning as provided in Sections 6-138 and 6-139, the chairman 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.
2. Washing of automobiles.
3. Use of water in swimming pools and evaporative air conditioning systems.
4. Waste of water.

SECTION 6-142: WATER DROUGHT OR EMERGENCY; MANDATORY CONSERVATION MEASURES

Upon the declaration of water supply emergency as provided herein, the chairman is 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 total 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.

SECTION 6-143: WATER DROUGHT OR EMERGENCY; EMERGENCY WATER RATES

Upon the declaration of a water supply emergency as provided herein, the Village Board shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies.

SECTION 6-144: WATER DROUGHT OR EMERGENCY; REGULATIONS

During the effective period of any water supply emergency, the chairman, water commissioner or any village official is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, 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.

SECTION 6-145: WATER DROUGHT OR EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES

1. If the chairman, water commissioner or other village official charged with implementation and enforcement of this article or a water supply emergency resolution learns of any violation of any water use restrictions imposed pursuant to Sections 6-142 or 6-144 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the Village who is responsible for the violation or its correction shall be provided with either personal or mailed 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 scheduled before the Village Board or a village official designated as a hearing officer by the 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 or hearing officer shall make findings of fact and order whether service would continue or be terminated.

2. A fee of \$10.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (1). In the event of subsequent violations, the reconnection fee shall be \$20.00 for the second reconnection and \$30.00 for any additional reconnections.

3. Violation of this article shall be a municipal offense and may be prosecuted in Dakota County Court. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fee of \$100.00. The penalty for a second or subsequent conviction shall be a mandatory fee of \$200.00.

SECTION 6-146: WATER DROUGHT OR EMERGENCY; EMERGENCY TERMINATION

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

ARTICLE II - SEWER DEPARTMENT

SECTION 6-201: TERMS DEFINED

"Biological oxygen demand" shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

"Building drain" and "house drain" shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil waste, or other drainage pipes inside the walls of any building or house.

"Building sewer" and "house sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

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

"Garbage" shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

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

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

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

"Plumbing fixtures" shall mean and include receptacles intended to receive and discharge water, liquid or water-carried wastes into the sewer system with which they are connected.

"Properly shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one-half inch in diameter.

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

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

"Sewage" shall mean and include a combination of the water-carried wastes from

residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewer system" shall mean all facilities for collecting, pumping, treating and disposing 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 drain" or "storm sewer" shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

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

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

SECTION 6-202: OPERATION AND FUNDING

The Village owns the sewer system and operates the same through the sewer commissioner, who shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. The sewer commissioner 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 Board, for the purpose of defraying the cost of the management and maintenance of the village 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. (Neb. Rev. Stat. §17-925.01)

SECTION 6-203: PUBLIC SEWERS REQUIRED

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any human or animal excrement, garbage or other objectionable waste on public or private property within the Village, or in any area under the jurisdiction of said village. 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 article. 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. The owner of all houses, buildings or other facilities used for human occupancy, 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 article within ten days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

SECTION 6-204: PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary or combined sewer is not available under the provisions of Section 6-203 above, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the sewer commissioner. 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 sewer commissioner. A permit and inspection fee as set by the Village Board shall be paid to the village clerk at the time the application is filed. Such fee shall be set by resolution of the Village Board and may be amended from time to time.

2. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sewer commissioner. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the sewer commissioner when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of receipt of notice by the sewer commissioner. The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and/or rules and regulations of the Department of Health and the Department of Environmental Quality of the State of Nebraska.

3. 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 217,800 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. 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 within 60 days in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village. No statement contained in this article shall be construed to interfere with any additional requirements that may be

imposed by the village health officer.

SECTION 6-205: PENALTY FOR LATE HOOKUP

The Village Board shall assess and the village clerk shall collect from each new customer failing to hook up to the village sewer system within the time limit prescribed after any new sewer main has been installed a penalty charge set by resolution of the Village Board and on file at the office of the village clerk. It is the purpose and intent of such penalty charge to encourage immediate hookup by abutting property owners when a sewer main is extended into any new territory. The time limit prescribed by the Village Board for a hookup free of such penalty charge shall be set by resolution of the Village Board and on file at the office of the village clerk. Such penalty charge shall be assessed whether the customer has voluntarily made application for service or whether he/she has been ordered to connect with the system by the sewer commissioner. In any event, no penalty charge shall be assessed if the customer is not an abutting property owner.

SECTION 6-206: SEWER CONTRACT; NOT TRANSFERABLE

1. The Village through the village sewer department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village as and when, according to law, the Village Board may see fit to do so. The rules, regulations and sewer rental rates as set by the Village Board shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between the Village and every customer now or hereafter served.

2. The making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Village, to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the sewer commissioner or his/her agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the commissioner or his agent.

3. 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/she shall at once inform the sewer commissioner, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the commissioner is

otherwise advised of such circumstances.

SECTION 6-207: SERVICE TO NON-RESIDENTS

Any person whose premises are located outside the corporate limits of the Village and who desires to install a house or building sewer that will be connected with the village sewer system shall file a written application with the village clerk for a permit for such connection and setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises are devoted, and such other information as the Village Board may require. (Neb. Rev. Stat. §19-2701)

SECTION 6-208: INSTALLATION EXPENSE

The consumer, upon approval of his/her application for sewer service, shall pay to the sewer commissioner a tap fee which shall compensate the Village for the expense of processing his/her application. The consumer shall then be required to pay the expense of procuring the materials required, the services of a plumber, and all other costs of installation.

SECTION 6-209: LICENSED PLUMBER; LIABILITY

1. It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain or attach to, modify or repair any appurtenances without having a current plumber's license issued by the Village pursuant to Chapter 4, Article 1, and complying with the rules and regulations of the sewer commissioner; provided, nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

2. The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he may cause to the sewers or the public ways and property. Said plumber shall restore to the complete satisfaction of the sewer commissioner all streets that he has excavated and make good any settlement of the ground or pavement caused by such excavation.

SECTION 6-210: SEWER CONSTRUCTION

1. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F.

Manual of Practice No. 9 shall apply.

2. 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.

3. 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 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 commissioner before installation.

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

SECTION 6-211: EXCAVATION PROCEDURE

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, without warning lights. After any house 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 sewer commissioner 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. All installations of any building sewer require an inspection by the sewer commissioner, the building inspector or a competent plumber when the connections are completed and before the building sewer is covered. It is the customer's responsibility to notify the sewer commissioner at the time the work is ready for inspection. All installation shall be done under supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Village Board.

SECTION 6-212: CLASSIFICATION

The Board may classify the customers of the village sewer department for the purpose of sewer use fees; provided, such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Neb. Rev. Stat. §17-925.02)

SECTION 6-213: SEWER USE RATES; BILLS

The Village Board has the power to fix, by resolution, the rates and charges to be paid by customers of the village sewer system. All such fees and charges shall be on file for public inspection at the office of the village clerk. Sewer fees shall be due and payable at the same time and in the same manner as water bills are due and payable.

SECTION 6-214: DELINQUENCY; LIEN

1. In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer use fee which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing 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 sewer use fees.

2. The owner of property, rental or otherwise, is responsible for payment of a delinquent account. Accounts which are delinquent for 60 days are subject to disconnection, and service to that location shall not be reinstated until the delinquent account is paid in full. (11/4/04, Ord. No. 485)

3. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for sewer use, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

4. All penalties and procedures concerning delinquent accounts with the village water department shall also be applicable to delinquent accounts with the village sewer department.

(Neb. Rev. Stat. §17-925.01)

SECTION 6-215: REPAIRS AND MAINTENANCE

1. The Village shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the consumer to repair or replace all other sewer pipe and appurtenances from the main to and including the consumer's property. All replacements and repairs made by the consumer shall be done in the manner and with the materials approved by the sewer commissioner; provided, the same have been previously approved by the Board of Trustees.

2. 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 sewer commissioner may cause such work to be done and assess the cost upon the property served by such connection.

SECTION 6-216: 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 6-217: 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 6-218: SURFACE WATER DISCHARGE INTO SANITARY SEWER PROHIBITED

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the sewer commissioner 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.

SECTION 6-219: HAZARDOUS AND PROHIBITED DISCHARGES; PRELIMINARY TREATMENT

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 wastewater 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.

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 to the proper operation of the sewage facilities 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, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 6-220: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY COMMISSIONER

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 sewer commissioner that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the sewer commissioner 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, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150° F (65° C).

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 3/4 horsepower or greater shall be subject to the review and approval of the sewer commissioner.

4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

5. Any water 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 commissioner 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 commissioner 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 commissioner 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 BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plants.
- 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 other agencies having jurisdiction over discharge to the receiving waters.

11. Any waters or wastes having a five-day BOD greater than 300 ppm by weight, containing more than 350 ppm by weight of suspended solids, or having an average daily flow greater than 2% of the average sewage flow of the Village shall be subject to the review of the commissioner. Where necessary in the opinion of the commissioner, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to reduce the BOD to 300 ppm by weight, reduce the suspended solids to 350 ppm by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the commissioner, and no con-

struction of such facilities shall be commenced until said approval is obtained in writing.

SECTION 6-221: DISCHARGE OF PROHIBITED DISCHARGES; OPTIONS; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR PAYMENT OF USE FEE SURCHARGE

1. 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 in Section 6-220 and which in the judgment of the chairman of the Village Board 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 chairman may (A) reject the wastes; (B) require pre-treatment to an acceptable condition for discharge to the public sewers; (C) require control over the quantities and rates of discharge, and/or (D) 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 Section 6-226.

2. If the Village Board permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6-222: GREASE, OIL AND SAND INTERCEPTORS

Grease, oil and sand interceptors shall be provided when, in the opinion of the Village Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that 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 Village Board and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 6-223: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER

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.

SECTION 6-224: CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the Village Board, 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 accessible and safely located and shall be constructed in accordance with plans approved by the Village Board. The manhole shall be installed by the owner at his/her expense and shall be maintained so as to be safe and accessible at all times.

SECTION 6-225: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

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 constituted upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls where pHs are determined from period grab samples.)

SECTION 6-226: PROHIBITED DISCHARGES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment of the reasonable cost of treatment, by the industrial concern.

SECTION 6-227: SPECIAL EQUIPMENT

In the event a customer of the village sewer department discharges an unusually large amount of grease or oil or waste with an unusually high BOD, the sewer commissioner 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 shall prescribe subject to the review of the Village Board. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Village Board and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village

for treatment subject to additional rental fees or other charges.

SECTION 6-228: INSPECTIONS; LIABILITY

1. The sewer commissioner and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The sewer commissioner or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond those having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.

2. While performing the necessary work on private properties, the sewer commissioner or duly authorized employees of the Village shall observe all safety rules applicable to the premises which have been established by the company. The company 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 and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions.

3. The sewer commissioner and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 6-229: VIOLATIONS; PENALTY; LIABILITY

Any person found to be violating any provision of the hazardous discharge regulations, Sections 6-219 through 6-228, 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 of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined in any amount not exceeding that permitted by Nebraska law for violation of a misdemeanor. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

ARTICLE III - SOLID WASTE DISPOSAL

SECTION 6-301: LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL

1. The Village Board has separately established charges to be paid to it by each person whose premises are served by the village solid waste collection system and the owner and occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the Village Board that:

A. The premises are unoccupied; or

B. The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations and ordinances.

2. Proof of proper disposal during the applicable billing period may be provided by means of any of the following:

A. A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;

B. A billing receipt or register tab from a duly permitted transfer station or disposal facility or landfill for solid waste received during the applicable billing period; or

C. Such other documentation of proper disposal as may be acceptable to the Village Board.

(Neb. Rev. Stat. §13-2020)

SECTION 6-302: COLLECTION RATES; DELINQUENCIES

1. Fees and charges for the solid waste collection service shall be set by the Village Board by resolution and placed on file for public inspection at the office of the village clerk.

2. The owner of any property, rental or otherwise, is responsible for payment of the delinquent account of the solid waste collection service at his or her property if delinquent after 60 days. If a solid waste collection service bill is delinquent for more than 60 days, the service may be terminated and not reinstated until the bill is paid in full.

(11/4/04, Ord. No. 487)

ARTICLE IV - NATURAL GAS RATE REGULATION

SECTION 6-401: ADOPTION OF NATURAL GAS REGULATION ACT

The provisions of Article 46, Chapter 19 of the Municipal Natural Gas Regulation Act as set forth in R.R.S. Neb. 1943, 1987 Supplement thereto and any amendments made thereto, except as otherwise provided for in this ordinance, are hereby adopted by this reference thereto and made a part hereof as fully as if set forth at length herein, except as otherwise hereinafter provided.

SECTION 6-402: GAS RATE COLLECTION FEE

A fee of \$75.00 be and hereby is imposed for each rate filing by the village gas supplier.

ARTICLE V - PENAL PROVISION

SECTION 6-501: VIOLATION; PENALTY

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