

CHAPTER 6 – PUBLIC UTILITIES

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CHAPTER 6 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 6-101: VILLAGE POWERS; RATE SETTING

The Village currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The Village has the right and power to tax assets and collect payment from its residents for use of the water supplied to them by the water system and for use of the sewer system. The Village Board is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable and may classify the customers of the village sewer system for the purpose of sewer use fees, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §§17-538, 17-542, 17-925.1, 18-509)

SECTION 6-102: MANDATORY USE OF VILLAGE SERVICES

All residents of the Village shall be required to subscribe to utility services provided by the Village, including water and sewer. Said residents shall be subject to the assessment and payment of charges for such village-provided utility services, as set from time to time by the Village Board.

SECTION 6-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT; TAP FEES

A. Every person or persons desiring utility services must make application therefor to the village clerk, who shall require the applicant to make a utility deposit for water and sewer service and tap fees for initial service in such amounts as set by resolution by the Village Board and kept on file at the village office. Any deposit made by a property owner shall be credited to his or her account after one year of timely payments. Any deposit made by a renter shall be returned after moving out of the premises. At the time any service deposit is returned to the consumer, the Village will not pay any interest that may have accrued on such amount.

B. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the maintenance superintendent; and no person except the superintendent or his or her agent shall turn on water for use on any premises after the same shall have been shut off for nonpayment of bills or any other cause.

C. No applicant for the services of a public or private utility company furnishing

water, natural gas, or electricity in this village shall be denied service because of unpaid bills for similar service which are not collectible by law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

SECTION 6-104: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the Village and who desires to connect to village water and sewer service shall file a written application with the village clerk for a permit for such connection, 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. The entire cost of pipe and other installation charges shall be paid by such consumer. Nonresidents shall pay such tap fees as have been set by the board by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the Village to provide water and sewer service to nonresidents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

SECTION 6-105: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the Village and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of village utilities by a new consumer thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the Village, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the maintenance superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

C. Contracts for utility services are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the village clerk, who shall cause the utility services to be discontinued at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utility services monthly until the Village is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 6-106: BILLING AND COLLECTIONS; DELINQUENCY; TERMINATION

A. Each tenant or lessee shall be responsible for all utility services used in any space rented or leased by him or her. Each separate apartment or other leased premises shall be deemed to be a separate user of village utilities and each tenant shall be required to pay any deposit and use fees.

B. Statements for utility services provided by the Village shall be mailed not later than the 5th day of each month and shall be due and payable by the close of business on the 15th day of the month. Any payment not received by the close of business on the 15th day of the month in which such payment is due will be delinquent and will result in the imposition of a late payment charge. Any payment received after the close of business on the 15th day of any month shall be applied first to the payment of any late payment charges and then to the outstanding balance of any utility statement. Payments may be made in person at the village office, deposited in the drop slot located in the door of the village office, or deducted from any checking account at the Farmers and Merchants Bank of Panama. Budget billing is available to all residents, to be re-evaluated each year in August.

C. Any utility statement which is not paid in full on or before the last business day of the month in which such statement is due shall constitute cause for the Village to terminate all utility services to the premises served by the utilities for which payment is delinquent. The village clerk shall send written notice of the proposed termination of utility service to the occupant and/or owner of such premises not less than seven days prior to the last day of the month; said notice shall conform to the requirements of Section 6-107. A copy of such termination procedures shall be furnished to the owner or occupant upon request. A fee shall be assessed for reconnection and the Village shall also require a deposit to be made with the village clerk with respect to such premises. All amounts due shall be paid prior to reconnection.

D. All of said fees herein shall be as set by resolution by the Village Board and kept on file in the village office.
(Neb. Rev. Stat. §§17-538, 17-542)

SECTION 6-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

The Village shall observe the following procedures when considering termination of utility services:

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 first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days.

B. Each utility subject to subsection (A) shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

C. If any subscriber has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

D. The notice required by subsection (A) above shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection, as provided in subsection (E) below;
6. A statement that the utility may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of thirty days from such filing. Only one postponement of disconnection shall be allowed under this subdivision for each incidence of nonpayment of any past due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;

9. A statement that the domestic subscriber may arrange with the utility for an installment payment plan;
10. A statement to the effect that a domestic subscriber who is a client of Social Services may qualify for assistance in payment of a utility bill and that he or she should contact the caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Village Board.

E. A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before the Village Board, which shall hear and decide all matters disputed by a domestic subscriber. The subjects to be heard shall include matters relating to a disputed bill.

F. This section shall not apply to any disconnections or interruptions of service made necessary by the Village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §§70-1605 through 70-1608)

SECTION 6-108: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the village clerk to report monthly to the Village Board a list of all unpaid accounts due for utilities which are more than 60 days delinquent, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 6-109: DIVERSION OF SERVICES; UNLAWFUL ACTS

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the Village, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 6-107 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §28-515.02)

SECTION 6-110: DIVERSION OF SERVICES; PENALTY

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

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

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

C. In addition to damage or loss under subdivision (B)(1) or (2), the Village may recover all reasonable expenses and costs incurred on account of the bypassing, tam-

pering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

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

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

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

(Neb. Rev. Stat. §§25-21,276 through 25-21,278)

Article 2 – Water Department

SECTION 6-201: OPERATION AND FUNDING

A. The Village owns and operates the Water Department through the maintenance superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the village treasurer.

B. The maintenance superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his or her office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 6-202: DEFINITIONS

The following definitions shall be applied throughout this section. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the Village.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

SECTION 6-203: CONNECTION TO WATER SYSTEM

A. The Village through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of

a main shall be required, upon notice by the Village Board, to hook up with the village water system.

B. The Village may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the Village to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each primary structure hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the Village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein. (Neb. Rev. Stat. §17-532)

D. Private wells previously constructed and operating prior to the Village's establishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health and Human Services. No new private well shall be permitted within the village limits unless the village water system is not available for the residents to hook on to. (Neb. Rev. Stat. §17-532)

SECTION 6-204: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 6-205: INSTALLATION; EXPENSE; TAP FEE; WELLS

A. The expense of providing water service to the lot line shall be paid by the Village. The consumer shall then pay the cost of installation and pipe from the lot line to the place of dispersement. The Village shall supply the curb stop and the meter. The consumer shall pay a tap fee as provided in Section 6-103. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching and the necessary labor to bring water service from the said lot line to the place of dispersement. Fire hydrants and valves pertaining to hydrants will be paid for out of the water fund.

B. 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 is in existence at the time the service shall be applied for. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the maintenance superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises. In cases where the main construction requires a connecting feeder main, the assessments for all the properties benefited shall include the cost of the feeder main.

C. No new wells shall be drilled within the corporate limits of the Village.
(Neb. Rev. Stat. §17-542)

SECTION 6-206: REPAIRS AND MAINTENANCE

A. 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. The Village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the maintenance superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent.

B. All water meters shall be kept in repair by the Village at its expense. When meters are worn out, they shall be replaced and reset by the Village at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. In the event that a meter is broken or otherwise fails to register accurately, the superintendent shall use the six-month average of the season one year prior to such breakage for billing purposes.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the Village shall bear the expense of such test. The Village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the maintenance superintendent.
(Neb. Rev. Stat. §17-537)

SECTION 6-207: PLUMBER'S LIABILITY

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

SECTION 6-208: INSTALLATION OR REPAIR PROCEDURE

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

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

C. All installations or repairs of pipes require two inspections by the maintenance superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.
(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 6-209: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the maintenance superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 6-210: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the Village on the account of the Water Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 6-106. (Neb. Rev. Stat. §17-540)

SECTION 6-211: RIGHT OF ENTRY FOR INSPECTION

The maintenance superintendent or his or 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. (Neb. Rev. Stat. §17-537)

SECTION 6-212: DESTRUCTION OF PROPERTY

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

SECTION 6-213: FIRE HYDRANTS

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

SECTION 6-214: 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. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

SECTION 6-215: BACKFLOW PREVENTION DEVICES; CUSTOMER INSTALLATION, MAINTENANCE, TESTING

A. The maintenance superintendent shall oversee the enforcement of this ordinance and shall be responsible for reviewing the surveys submitted by the customers of the Water Department to determine if backflow prevention devices are required to comply with Nebraska DHHS Title 179, NAC 2, "*Regulations Governing Public Water Systems.*"

B. A customer of the Water Department may be required by the maintenance superintendent 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, NAC 2 and approved by the superintendent.

C. The customer shall make application to the maintenance superintendent to

install a required backflow prevention device on a form provided by the Village. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number and the location of the proposed installation. The superintendent shall approve or disapprove the application based on his or her opinion of whether such installation will protect the village water distribution system from potential backflow and cross-connection hazards.

D. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a licensed plumber, if applicable.

E. 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 VI certified water operator. Such certification shall be made on a form available at the office of the village clerk.

F. All customers of the Water Department shall be required to report to the maintenance superintendent any potential cross-connections which may be on their premises. This report shall be made at least every five years.

G. Any decision of the maintenance superintendent may be appealed to the Village Board, whose decision will be final.

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

(Am. Ord. 2005-1.1, 1/04/05)

SECTION 6-216: RESTRICTED USE

The Village Board or the maintenance superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Village has no control. (Neb. Rev. Stat. §17-537)

SECTION 6-217: COMMERCIAL LIVESTOCK WATERING OPERATIONS

No commercial livestock operations shall be allowed within the village limits unless

such operation shall have first obtained permission from the Village.

SECTION 6-218: DROUGHT EMERGENCY CONTINGENCY PLAN

The Village shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The board chairman is hereby authorized to implement the appropriate conservation measures as set forth in this ordinance when any of the conditions have been reached which would qualify for any of the specific stages. The chairman is given discretion to declare each particular stage as deemed appropriate by his or her review of the severity of the trigger conditions and other additional information. The chairman is further authorized to implement conservation measures within the guidelines provided for each particular stage. (Ord. No. 2006-6.1; 6/06/06)

SECTION 6-219: DROUGHT EMERGENCY; STAGE ONE, WATER WATCH

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

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

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

C. *Management Actions.*

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

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

(Ord. No. 2006-6.1; 6/06/06)

SECTION 6-220: DROUGHT EMERGENCY; STAGE TWO, WATER WARNING

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

1. Ground water levels have fallen 10 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Plant operations are at 80% capacity for more than three consecutive days.

D. Demand for one day is in excess of 500,000 gallons per day.

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

C. *Management Actions:*

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

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

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

(Ord. No. 2006-6.1; 6/06/06)

SECTION 6-221: DROUGHT EMERGENCY; STAGE THREE, WATER EMERGENCY

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

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

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

C. *Education Actions:*

1. The Village will make news releases to local media describing current conditions and indicate the water supply outlook for the Village.

2. The Village will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

D. Management Actions:

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

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

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

(Ord. No. 2006-6.1; 6/06/06)

SECTION 6-222: DROUGHT EMERGENCY; ENFORCEMENT

In the event that any water consumer fails to comply with any regulatory action taken by the Village, then the board chairman may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed after the chairman has been provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed. (Ord. No. 2006-6.1; 6/06/06)

SECTION 6-223: WELLHEAD PROTECTION AREA

The Village Board has designated a Wellhead Protection Area for the purpose of protecting the public water supply system. "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field supplying a public water system, through which contaminations are reasonably likely to move toward and reach such water well or well field. The boundaries of the Wellhead Protection Area are designated in a plat map, a copy of which shall be kept on file and available at the office of the village clerk for viewing during office hours. (Ord. No. 2007-6.1, 6/05/07)

SECTION 6-224: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

A. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts,

or events within the specified footage of any village public water supply well. The following facilities, acts, or events shall be defined as nuisances for purposes of this section:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS, Title 179, NAC 7, 4/4/10)

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

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the Village and/or (2) within the designated number of feet from the village water supply, then such facility shall be deemed a nuisance and the Village Board shall abate such facility as a public nuisance pursuant to Chapter 2, Article 4 of this code.

Article 3 – Sewer Department

SECTION 6-301: OPERATION AND FUNDING

A. The Village owns and operates the sewer system through the maintenance superintendent. The Village Board, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the sewer maintenance fund.

B. The maintenance superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 6-302: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

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

B. It shall be unlawful to discharge to any natural outlet within the Village, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other similar facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, sub-surface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the maintenance superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the maintenance superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Village for such costs, which shall be as determined by the maintenance superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system

any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

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

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

SECTION 6-303: CONNECTION TO SEWER SYSTEM

The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the Village is hereby required at the owner's expense, provided that said public sewer is within 300 feet of the property line, to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the Village. The Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein. (Neb. Rev. Stat. §§16-149.01, 18-503)

SECTION 6-304: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner who, upon approval of his or her application for sewer service, shall pay a tap fee to the Village, as provided in Section 6-103, which compensates the Village for the expense of processing the application and tapping the sewer main. The maintenance superintendent in his or her discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 6-305: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line

shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the maintenance superintendent, provided the same have been previously approved by the Village Board.

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the maintenance superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

SECTION 6-306: PLUMBER'S LIABILITY

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

SECTION 6-307: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

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

B. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation is left open or unfinished for a period of 24 hours or more, the maintenance superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property.

C. All installation or repair of any part of the sewerage system shall be done under the supervision of the maintenance superintendent and strictly in accordance with the rules, regulations, and specifications on file with the village office and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water

mains, supply lines, and service lines.
(Neb. Rev. Stat. §18-503)

SECTION 6-308: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the maintenance superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the superintendent shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 6-309: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the Village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 6-310: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance. (Neb. Rev. Stat. §18-509)

SECTION 6-311: BILLING AND COLLECTIONS

The village clerk shall bill the consumers, collect all money received by the Village on the account of the Sewer Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 6-106. (Neb. Rev. Stat. §17-540)

SECTION 6-312: INSPECTIONS

The maintenance superintendent or authorized agent shall have free access at any reasonable time to all parts of each premises and building connected with the village sewer system to ascertain whether there is any disrepair or violations of this article therein.

SECTION 6-313: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 6-314: DESTRUCTION OF PROPERTY

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

Article 4 – Solid Waste

SECTION 6-401: OWNER’S RESPONSIBILITY

It shall be unlawful for any person to keep garbage, trash, or waste of any kind that may be injurious to the public health or offensive to the residents of the Village in, on, or about any dwelling, building, or premises or any other place in the Village unless the same is kept in approved receptacles awaiting disposal. No person may permit yard waste, garbage, trash, or waste to accumulate. (Neb. Rev. Stat. §19-2106)

SECTION 6-402: VILLAGE DUMP

A. Residents who pay the monthly fee shall have access to the recycle bins and the yard waste area at the village dump. Such fee shall be as set by resolution by the Village Board and kept on file in the office of the village clerk.

B. Residents who opt out by failing to pay the monthly fee shall be prohibited from use of the recycle bins and the yard waste area and shall submit proof of service to the village clerk.

C. Paying residents shall be prohibited from accessing the recycle bins and the yard waste area to discard materials on behalf of another person who has not paid the monthly fee.

D. Nonresidents of the Village shall be prohibited from utilizing the recycle bins and the yard waste areas unless they pay the monthly fee required by the Village.

Article 5 – Penal Provision

SECTION 6-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.