

CHAPTER 7 – PUBLIC UTILITIES

ARTICLE 1 – UTILITIES GENERALLY

- SECTION 7-101: VILLAGE POWERS; RATE SETTING**
- SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES**
- SECTION 7-103: ESTABLISHING UTILITY SERVICE; BILLING AND COLLECTIONS; DELINQUENCY**
- SECTION 7-104: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**
- SECTION 7-105: LIEN**
- SECTION 7-106: DIVERSION OF SERVICES; UNLAWFUL ACTS**
- SECTION 7-107: DIVERSION OF SERVICES; PENALTY**

ARTICLE 2 – WATER DEPARTMENT

- SECTION 7-201: OPERATION AND FUNDING**
- SECTION 7-202: DEFINITIONS**
- SECTION 7-203: MANDATORY HOOKUP**
- SECTION 7-204: SERVICE TO NON-RESIDENTS**
- SECTION 7-205: CONSUMER'S APPLICATION; SERVICE DEPOSIT**
- SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE**
- SECTION 7-207: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**
- SECTION 7-208: WATER METERS REQUIRED; LAWFUL USE**
- SECTION 7-209: INSTALLATION; EXPENSE**
- SECTION 7-210: REPAIRS AND MAINTENANCE**
- SECTION 7-211: AUTHORIZATION; PLUMBER'S LIABILITY**
- SECTION 7-212: INSTALLATION OR REPAIR PROCEDURE**
- SECTION 7-213: RATES; LIABILITY FOR PAYMENT**
- SECTION 7-214: BILLING AND COLLECTIONS**
- SECTION 7-215: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-216: DESTRUCTION OF PROPERTY**
- SECTION 7-217: FIRE HYDRANTS**
- SECTION 7-218: POLLUTION**
- SECTION 7-219: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING**
- SECTION 7-220: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES**
- SECTION 7-221: RESTRICTED USE**
- SECTION 7-222: WATER EMERGENCY; DEFINITIONS; CLASSES OF USE**
- SECTION 7-223: WATER EMERGENCY; DECLARATION OF WATCH, WARNING, OR EMERGENCY**
- SECTION 7-224: WATER EMERGENCY; VOLUNTARY CONSERVATION MEASURES**

SECTION 7-225: WATER EMERGENCY; MANDATORY CONSERVATION MEASURES

SECTION 7-226: WATER EMERGENCY; EMERGENCY WATER RATES

SECTION 7-227: WATER EMERGENCY; REGULATIONS

SECTION 7-228: WATER EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES

SECTION 7-229: WATER EMERGENCY; AUTHORIZATION

ARTICLE 3 – SEWER DEPARTMENT

SECTION 7-301: OPERATION AND FUNDING

SECTION 7-302: DEFINITIONS

SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

SECTION 7-304: MANDATORY HOOKUP

SECTION 7-305: SERVICE TO NON-RESIDENTS

SECTION 7-306: CONSUMER'S APPLICATION; CLASSIFICATION; SERVICE DEPOSIT; FEES

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

SECTION 7-308: INSTALLATION EXPENSE

SECTION 7-309: REPAIRS AND MAINTENANCE

SECTION 7-310: PLUMBER'S LIABILITY

SECTION 7-311: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

SECTION 7-312: INSTALLATION; USE OF EXISTING SEWERS

SECTION 7-313: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

SECTION 7-314: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

SECTION 7-315: RATES; LIABILITY FOR PAYMENT

SECTION 7-316: BILLING AND COLLECTIONS

SECTION 7-317: MANHOLES

SECTION 7-318: DESTRUCTION OF PROPERTY

ARTICLE 4 – ELECTRIC SYSTEM

SECTION 7-401: OWNERSHIP

SECTION 7-402: CONSUMER'S APPLICATION; SERVICE DEPOSIT

SECTION 7-403: SERVICE TO NON-RESIDENTS

SECTION 7-404: ELECTRICAL CONTRACT; NOT TRANSFERABLE

SECTION 7-405: LICENSED ELECTRICIAN

SECTION 7-406: INSTALLATION EXPENSE

SECTION 7-407: RATES; LIABILITY FOR PAYMENT

SECTION 7-408: BILLING AND COLLECTIONS

SECTION 7-409: INTERRUPTION OF SERVICE

SECTION 7-410: BUILDING MOVING

SECTION 7-411: METER TESTING

- SECTION 7-412: POSTING SIGNS**
- SECTION 7-413: TRIMMING TREES**
- SECTION 7-414: INSPECTIONS**
- SECTION 7-415: DESTRUCTION OF PROPERTY**

ARTICLE 5 – SOLID WASTE

- SECTION 7-501: DEFINITIONS**
- SECTION 7-502: GARBAGE; NUISANCE; AUTHORITY; NOTICE AND
REMOVAL**
- SECTION 7-503: OWNER’S RESPONSIBILITY**
- SECTION 7-504: CONTRACT HAULER; MANDATORY COLLECTION**
- SECTION 7-505: LIABILITY FOR CHARGES; PROOF OF PROPER
DISPOSAL**
- SECTION 7-506: BUILDING MATERIALS; DISPOSAL AT APPROVED
SITE**
- SECTION 7-507: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL
HANDLING**

ARTICLE 6 – PENAL PROVISION

- SECTION 7-601: VIOLATION; PENALTY**

CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: VILLAGE POWERS; RATE SETTING

The village currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution 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, for use of the sewer system, and for use of the electricity supplied to them by the electric system. The Village Board is authorized to establish by ordinance such rates for water, sewer, and electric service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §§17-538, 17-542)

SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES

All residents of the village shall be required to subscribe to village utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the Village Board.

SECTION 7-103: ESTABLISHING UTILITY SERVICE; BILLING AND COLLECTIONS; DELINQUENCY

A. Water, sewer, and electrical service may be initiated by completion of an application at the village office. Payment of a utility deposit, as set by resolution of the Village Board and placed on file in the village office, shall be required of anyone who rents a residence and does not own it.

B. Utility bills shall be due and payable monthly at the office of the village clerk. The owner of the premises will in all cases be held primarily responsible and will be required to pay for utilities at such premises. Bills shall be issued on or about the 20th day of each month and shall be due and payable on the 15th day of the following month. Bills not paid by the 15th day shall be deemed to be delinquent. Upon being deemed to be delinquent, the village clerk shall assess a late fee as set by resolution of the Village Board and placed on file in the village office. A delinquency notice shall be sent by the 17th day of the month. Any customer whose bill is still unpaid shall be issued a notice by pink card that his or her water shall be disconnected the next day, which shall be seven business days after the 15th. Service shall be cut off in compliance with Section 7-104 and there shall be a fee for reconnection of the service; said fee shall be set by resolution of the Village Board and placed on file in

the village office.

(Neb. Rev. Stat. §§17-538, 17-542)

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

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

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

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

(Neb. Rev. Stat. §§70-1603, 70-1604, 70-1606, 70-1608) (Ord. Nos. 402, 9/4/84; 613, 11/4/98)

SECTION 7-105: 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 utilities superintendent to report on June 1 each year to the Village Board a list of all unpaid accounts due for utilities which are more than 60 days delinquent, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-106: DIVERSION OF SERVICES; UNLAWFUL ACTS

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the

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

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

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-104 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) (Ord. Nos. 586, 3/5/96; 700, 6/8/05)

SECTION 7-107: DIVERSION OF SERVICES; PENALTY

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

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

1. The amount of actual damage or loss if such amount may be reasonably calculated; or

2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

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

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

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

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

(Neb. Rev. Stat. §§25-21,276 through 25-21,278) (Ord. Nos. 375, 11/1/83; 701, 6/8/05)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board.

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

SECTION 7-202: DEFINITIONS

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

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

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

"Service pipe" is hereby defined to be any pipe extending from the 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 7-203: MANDATORY HOOKUP

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, within 30 days after notice by the Village Board, to

hook up with the village water system.

B. The village may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a village commercial main is now or may hereafter be laid with permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. 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. Private wells are prohibited. 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. §17-537)

SECTION 7-204: SERVICE TO NON-RESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the village to provide water service to non-residents. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-205: CONSUMER'S APPLICATION; SERVICE DEPOSIT

A. Every person or persons desiring a supply of water must make application therefor to the village clerk, who may require any applicant to make a service deposit in such amount as set by resolution by the Village Board and placed on file at the village office. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Water shall not be supplied to any house or private service pipe except upon the written order of the utilities superintendent.

B. The minimum meter deposit shall be charged at initial hookup. Any meter deposit fee shall be refunded to the consumer after 24 months in good standing, with no delinquent payments, or if service is discontinued and all bills are paid in full.

(Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and water rates set forth in this chapter shall be considered a part of every application hereafter made for water service and shall be con-

sidered a part of the contract between the village and every consumer now or hereafter served.

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

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

(Neb. Rev. Stat. §17-537)

SECTION 7-207: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipes and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 472, 1/5/88)

SECTION 7-208: WATER METERS REQUIRED; LAWFUL USE

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

SECTION 7-209: INSTALLATION; EXPENSE

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 dispersal. The village shall supply and install the stop box and the meter. 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 dispersal. (Neb. Rev. Stat. §17-542)

SECTION 7-210: REPAIRS AND MAINTENANCE

A. 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 disbursement. When leaks occur in service pipes, the utilities superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the utilities 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.

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 utilities superintendent.

(Neb. Rev. Stat. §17-537)

SECTION 7-211: AUTHORIZATION; PLUMBER'S LIABILITY

A. It shall be unlawful for any person, firm, or corporation to engage in or conduct the business of water connection without holding a state plumber's license and without complying with the rules and regulations of the utilities superintendent; provided, nothing herein shall be construed to apply to persons, firms, or corporations under special contract with the village for the construction, extension, or repair of the municipal water system. It shall be unlawful for any plumber to cover up the tap into the water main without first notifying the utilities superintendent and allowing him to inspect the tap.

B. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utilities superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.

(Neb. Rev. Stat. §17-537)

SECTION 7-212: INSTALLATION OR REPAIR PROCEDURE

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

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

C. All installations or repairs of pipes require an inspection by the utilities superintendent and shall be made when connections or repairs are complete and before the pipes are covered. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-213: RATES; LIABILITY FOR PAYMENT

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the village disconnect the utility services. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-214: BILLING AND COLLECTIONS

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

SECTION 7-215: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-216: DESTRUCTION OF PROPERTY

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

SECTION 7-217: FIRE HYDRANTS

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

SECTION 7-218: POLLUTION

It shall be unlawful for any person, firm, or corporation to obstruct or impede without legal authority or to corrupt and render unwholesome or impure any well, water-course, stream, or other water used as a source of water for the village. The standards for water quality established or adopted by the State of Nebraska shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §17-536)

SECTION 7-219: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

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

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

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

D. Every backflow prevention device equipped with a test port shall be tested as often as required by the village but at least once each year by a Grade 6 certified water operator, with test results certified to the village as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a

form available at the office of the village clerk.

E. All customers of the Water Department shall be required to report to the utilities superintendent at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the utilities superintendent may be appealed to the Village Board.

SECTION 7-220: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

A. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts, or events within the specified footage of any village public water supply well. The following facilities, acts, or events shall be defined as nuisances for purposes of this section:

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

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

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the village and/or (2) within the designated number of feet from the village water supply, then such facility shall be deemed a

nuisance and the Village Board shall abate such facility as a public nuisance pursuant to Chapter 3, Article 5 of this code.

(Ord. No. 471, 1/5/88)

SECTION 7-221: RESTRICTED USE

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

SECTION 7-222: WATER EMERGENCY; DEFINITIONS; CLASSES OF USE

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

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

B. The following classes of uses of water are established:

1. *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.
2. *Class 2:* Water used for any commercial or industrial purpose, including agricultural, except water actually necessary to maintain the health and personal hygiene of bona fide employees while they are engaged in the performance of their duties at their places of employment.
3. *Class 3:* Domestic usage, other than that which would be included in either Classes 1 or 2.

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

SECTION 7-223: WATER EMERGENCY; DECLARATION OF WATCH, WARNING, OR EMERGENCY

A. Whenever the Village Board finds that conditions indicating 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 to have ended by resolution of the board. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official village newspaper.

B. 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 to have ended by resolution of the board. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official village newspaper.

C. 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 supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official village newspaper.

SECTION 7-224: WATER EMERGENCY; VOLUNTARY CONSERVATION MEASURES

Upon the declaration of a water watch or water warning as provided in Section 7-223, the village 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: (A) sprinkling of water on lawns, shrubs or trees, including golf courses; (B) washing of automobiles; (C) use of water in swimming pools, fountains and evaporative air conditioning systems; and (D) waste of water.

SECTION 7-225: WATER EMERGENCY; MANDATORY CONSERVATION MEASURES

Upon the declaration of a water supply emergency, the chairman is also authorized to

implement certain mandatory water conservation measures including but not limited to the following:

A. 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;

B. Restrictions on the uses of water in one or more classes of water use, wholly or in part;

C. Restrictions on the sales of water at coin-operated facilities or sites;

D. The imposition of water rationing based on any reasonable formula including but not limited to the percentage of normal use and per capita or per consumer restrictions;

E. Complete or partial bans on the waste of water; and

F. Any combination of the foregoing measures.

SECTION 7-226: WATER EMERGENCY; EMERGENCY WATER RATES

Upon the declaration of a water supply emergency, the Village Board shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for but are not limited to: (A) higher charges for increasing usage per unit of use (increasing block rates); (B) uniform charges for water usage per unit of use (uniform unit rate); or (C) extra charges in excess of a specified level of water use (excess demand surcharge).

SECTION 7-227: WATER EMERGENCY; REGULATIONS

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

SECTION 7-228: WATER EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES

A. If the chairman or other village official charged with implementation and enforcement of this ordinance or a water supply emergency resolution learns of any violation of any water use restrictions imposed herein, 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 actual or mailed notice. Said notice shall de-

scribe 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.

B. If the order is not complied with, the village may terminate water service to the customer subject to the following procedures:

1. The village shall give the customer notice by mail or actual 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;
2. If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
3. The Village Board or hearing officer shall make findings of fact and order whether service should continue or be terminated.

C. A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be increased for the second and subsequent reconnections. Said fees shall be set by resolution of the Village Board and placed on file in the office of the village clerk for public inspection.

SECTION 7-229: WATER EMERGENCY; AUTHORIZATION

Nothing in this ordinance shall limit the ability of any properly authorized village official to terminate the supply of water to any or all customers upon the determination of such official that emergency termination of water service is required for protection of the health and safety of the public. (Ord. No. 645, 8/6/02)

Article 3 – Sewer Department

(Ord. No. 262, 12/5/78)

SECTION 7-301: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board.

(Neb. Rev. Stat. §17-925.01) (Am. Ord. No. 629, 2/2/99)

SECTION 7-302: DEFINITIONS

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

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

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

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

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

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

"Public sewer" shall mean a sewer that is controlled by public authority.

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, sur-

face, and ground waters are not intentionally admitted.

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

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Utilities superintendent" shall mean the utilities superintendent of the village sewage system or his authorized deputy, agent or representative.

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

SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

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

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

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, 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 utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs, which shall be as determined by the utilities superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any

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

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

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

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the village is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the Village Board, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

(Neb. Rev. Stat. §18-503)

SECTION 7-305: SERVICE TO NON-RESIDENTS

The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to non-residents. (Neb. Rev. Stat. §19-2701)

SECTION 7-306: CONSUMER'S APPLICATION; CLASSIFICATION; SERVICE DEPOSIT; FEES

A. Any person wishing to connect with the sewer system shall make an application to the village clerk, who may require any applicant to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. The permit application shall be supplemented by any plans, specifi-

cations, or other information considered pertinent in the judgment of the clerk. Sewer service may not be supplied to any house or building except upon the order of the superintendent.

B. For the purpose of rental fees, the Village Board may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

C. There shall be two classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a form furnished by the village. A permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the village at the time the application is filed. Such fee shall be set by the Village Board and placed on file at the office of the village clerk.

(Neb. Rev. Stat. §17-925.02)

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

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

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

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

(Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION EXPENSE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the village from any loss or

damage that may directly or indirectly be occasioned by the installation of the building sewer. The utilities superintendent in his discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-309: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board.

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

(Neb. Rev. Stat. §18-1748) (Am. Ord. No. 401, 9/4/84)

SECTION 7-310: PLUMBER'S LIABILITY

A. It shall be unlawful for any person, firm, or corporation to engage in or conduct the business of sewer connection and house drainage without holding a state plumber's license and without complying with the rules and regulations of the utilities superintendent; provided, nothing herein shall be construed to apply to persons, firms, or corporations under special contract with the village for the construction, extension, or repair of the municipal sewer system. It shall be unlawful for any plumber to cover up the tap into the sewer main without first notifying the utilities superintendent and allowing him to inspect the tap.

B. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utilities superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.

(Neb. Rev. Stat. §17-537)

SECTION 7-311: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules,

regulations, and specifications on file with the village office and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-312: INSTALLATION; USE OF EXISTING SEWERS

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

SECTION 7-313: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

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

SECTION 7-314: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the utilities superintendent for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-315: RATES; LIABILITY FOR PAYMENT

All sewer customers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the village to disconnect the utility services. (Neb. Rev. Stat. §18-503)

SECTION 7-316: BILLING AND COLLECTIONS

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

SECTION 7-317: MANHOLES

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

SECTION 7-318: DESTRUCTION OF PROPERTY

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

Article 4 – Electric System

SECTION 7-401: OWNERSHIP

A. The village owns and operates the village electric system. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the 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 electric fund and shall remain in the custody of the village treasurer.

B. The utilities superintendent shall have the direct management and control of the Electric Department and shall faithfully carry out the duties of the office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system, subject to the supervision and review of the Village Board.

(Neb. Rev. Stat. §§17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: CONSUMER'S APPLICATION; SERVICE DEPOSIT

Every person or persons desiring electric service must make application therefor to the village clerk. Any applicant may be required to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. Electricity may not be supplied to any house or building except upon the written order of the utilities superintendent. (Neb. Rev. Stat. §§17-902, 19-2701) (Am. Ord. Nos. 355, 11/2/82; 363, 7/5/83; 371, 10/4/83)

SECTION 7-403: SERVICE TO NON-RESIDENTS

The electric system shall not supply to any person outside the corporate limits electric service without special permission from the Village Board; provided, the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the village to supply electric service to non-residents. (Neb. Rev. Stat. §19-2701)

SECTION 7-404: ELECTRICAL CONTRACT; NOT TRANSFERABLE

A. The village through its Electric Department shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within its corporate limits as and when, according to law, the Village Board may see fit to do so. The rules, regulations, and rates for electric service provided in this article shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electric Department.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the village, to which both parties are bound. If such customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the superintendent or his agent.

C. Contracts for electric service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the utilities superintendent, who shall cause the electric service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §§17-902, 19-1404)

SECTION 7-405: LICENSED ELECTRICIAN

Under no circumstances shall connections be made between the wires of the electric distribution system of this village and the meter of the consumer, except by an employee of the village or a licensed electrician authorized to do so by the utilities superintendent. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent; provided, such rules, regulations, and specifications have been reviewed and approved by Village Board. (Neb. Rev. Stat. §§17-902, 19-1404)

SECTION 7-406: INSTALLATION EXPENSE

The expense of installation and equipment up to and including the electrical meter shall be paid by the village; provided, the customer shall be required to supply and install the meter loop. The village shall supply the meter and the meter socket. In the event that the customer desires underground installation, the utilities superintendent shall charge the customer the difference in cost between the overhead and underground installation in addition to any other installation charges. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. (Neb. Rev. Stat. §17-902)

SECTION 7-407: RATES; LIABILITY FOR PAYMENT

All electrical consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the village to disconnect the utility services. (Neb. Rev. Stat. §17-902)

SECTION 7-408: BILLING AND COLLECTIONS

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

SECTION 7-409: INTERRUPTION OF SERVICE

The electric system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The utilities superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The village shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the village has no control; and the village expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §§17-902, 19-1404)

SECTION 7-410: BUILDING MOVING

Should any house or building moving be planned and it becomes necessary in said work to remove or disturb any of the property or wires of the electric system, the same should not be done except upon written permission received from the utilities superintendent, who shall then order paid in advance the actual cost of moving the said wires. Such costs shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the electric system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. See Chapter 9, Article 3, Building Moving. (Neb. Rev. Stat. §19-1404)

SECTION 7-411: METER TESTING

Each customer who requests that his or her electric meter be checked for accuracy shall be assessed a charge to reimburse the village for the actual cost of such testing. If the meter proves to be registering inaccurately, resulting in an overcharge to the customer, the dollar assessment shall be returned to the customer. Said assessment charge shall be set by resolution of the Village Board and filed in the office of the village clerk.

SECTION 7-412: POSTING SIGNS

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the electric system any sign, poster, advertisement, or banner without written permission from the utilities superintendent. (Neb. Rev. Stat. §19-1404)

SECTION 7-413: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the utilities superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electric system, the Village Board shall have the power to order cut and remove any overhanging branches, or limbs of trees so that the lines will be free and safe.

SECTION 7-414: INSPECTIONS

The utilities superintendent or his duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

SECTION 7-415: 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 electric system. (Neb. Rev. Stat. §28-512)

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

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

"Approved waste disposal or landfill site" means a place that has been approved by the State of Nebraska for disposal of garbage, trash and waste, as well as used building materials and debris from construction, renovation, or demolition.

"Contract hauler" means the commercial garbage collection business having a valid contract with the Village Board for the collection and disposal of solid waste within the village.

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

"Land disposal" includes, but is not limited to, incineration at a landfill.

"Non-recyclable tire" means a press-on solid tire, a solid pneumatic shaped tire, or a foam pneumatic tire.

"Scrap tire" or "waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

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

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

"Yard waste" means leaves, grass clippings, garden residue, excess garden produce, sticks, branches, and tree limbs.

SECTION 7-502: GARBAGE; NUISANCE; AUTHORITY; NOTICE AND REMOVAL

A. The Village Board may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate limits or zoning jurisdiction or upon the streets, roads, or alleys abutting such lot or land which constitutes a public nuisance. Said village may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets,

roads, or alleys.

B. Notice that removal of garbage or refuse is necessary shall be given to each owner or the owner's duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the village through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads, or alleys.

(Ord. No. 479, 1/5/88)

SECTION 7-503: OWNER'S RESPONSIBILITY

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

B. No person may permit yard waste, garbage, trash, or waste to accumulate; and all persons shall properly dispose of the same within 48 hours after notification from the village chairman.

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

(Neb. Rev. Stat. §19-2106) (Ord. No. 479, 1/5/88)

SECTION 7-504: CONTRACT HAULER; MANDATORY COLLECTION

All garbage, trash, and waste generated by the residents of the village shall be collected for disposal by the village's contract hauler. The said hauler shall collect all garbage, trash, and waste from the approved receptacles at each collection stop not less frequently than weekly. In case of weather or road conditions making collection impossible or impractical, collection will be made as soon thereafter as determined by the hauler.

SECTION 7-505: LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL

A. The Village Board has separately established charges to be paid to it by each person whose premises are served by the municipal solid waste collection system. Such charges shall appear on the utility bills issued and collected as set forth in Chapter 7, Article 1 herein.

B. For purposes of such charges, a person's premises are deemed to be served by the municipal 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:

1. The premises are unoccupied; or
2. 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.

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

1. 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;
2. 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
3. Such other documentation of proper disposal as may be acceptable to the Village Board.

(Neb. Rev. Stat. §13-2020) (Ord. No. 632, 5/4/99)

SECTION 7-506: BUILDING MATERIALS; DISPOSAL AT APPROVED SITE

Used building materials and debris from construction, renovation, or demolition shall be removed from the village by the owner thereof and delivered to an approved waste disposal or landfill site for disposal. Such removal and disposal shall be at the expense of the owner of said materials. Any bulky garbage, trash, or waste that does not fit into the approved receptacles shall be delivered to an approved waste disposal or landfill site by the owner thereof at his or her expense.

SECTION 7-507: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

No person shall put out any of the items specified below to be collected by the municipal solid waste collector for land disposal. Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof.

A. Yard waste from April 1 through November 30 of each year, unless such yard waste has been separated from its source and is put out for separate collection and delivery to the landfill for the purpose of soil conditioning or composting under the conditions otherwise specified.

B. Lead-acid batteries.

C. Waste oil.

D. Waste tires in any form except tires that are non-recyclable. Tires are not considered disposed if they meet the requirements of Neb. Rev. Stat. §13-2039.

E. Discarded household appliances.

F. Unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act. (Neb. Rev. Stat. §§13-2013.02, 13-2016.01, 13-2020, 13-2023, 13-2026, 13-2039) (Ord. Nos. 531, 12/7/93; 713, 7/5/05)

Article 6 – Penal Provision

SECTION 7-601: 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. (Am. Ord. Nos. 648, 9/2/03; 655, 9/2/03; 659, 9/2/03; 666, 9/2/03)