

## **CHAPTER 7 – PUBLIC UTILITIES**

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## **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 and a sanitary sewer disposal and treatment system. The Village Board is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. Garbage pickup service is provided through a contract vendor, whose rates are billed and collected by the village. All such rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. 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)

#### **SECTION 7-102: BILLING AND COLLECTIONS; DELINQUENCY**

A. Charges for water, sewer, and garbage pickup service shall be billed jointly on a bi-monthly basis. Utility bills shall be mailed by the village clerk on the first day of January, March, May, July, September, and November and shall be due upon receipt and payable by the 15th day of each month in which received. Bills paid after the 15th day of each month shall have a penalty charge added thereto in an amount set by resolution of the Village Board and filed in the office of the village clerk. Bills not paid by the 25th day of the month in which received shall be deemed to be delinquent. Upon being deemed to be delinquent as herein defined, the Utilities Department may discontinue service pursuant to Section 7-103 of this code. Once discontinued, service shall not be recommenced except upon payment in full of all delinquent charges and upon further payment of a reconnection fee in the amount set by resolution of the Village Board, filed in the office of the village clerk. The village may also take any action authorized by law to effect collection of the delinquent charges.

B. The apartment owner (consumer) shall be entitled to a credit on the next monthly payment for any apartments which are totally unrented for that particular month. The apartment owner (consumer) shall certify the vacancy/vacancies to the village clerk before any credit shall be given by the village. The phrase “totally unrented” shall mean that any particular apartment within the apartment building has not been rented for any full day during a given particular month.

C. Service to industrial establishments may be by contract if the Village Board deems this to be in the best interest of the village.

D. In the event service is not utilized by a customer for a full month, the service charge shall be pro-rated accordingly.

**SECTION 7-103: 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.

B. Prior to the discontinuance of service to any domestic subscriber by a village utility, the domestic subscriber upon request shall be provided a conference with the Village Board. The board has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. Such procedures, three copies of which are on file in the office of the village clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Village 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 services made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.  
(Neb. Rev. Stat. §70-1603, 70-1604)

**SECTION 7-104: LIEN**

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

**SECTION 7-105: DIVERSION OF SERVICES; METER TAMPERING,  
UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE**

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

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

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 7-103 of this code, any person who reconnects such service without the knowledge and consent of the village shall be deemed guilty of an offense.

D. Proof of the existence of any pipe connection or reconnection or of any injury, alteration, or obstruction of a meter as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Neb. Rev. Stat. §25-21,275 through 25-21,278, 28-515.02)

#### **SECTION 7-106: DIVERSION OF SERVICES; PENALTY**

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

ist 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, 25-21,277)

## 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 fund and shall remain in the custody of the village treasurer.

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

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

### SECTION 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; PRIVATE NON-VILLAGE WELLS

A. All persons within 300 feet of a main that is now or may hereafter be laid shall be required, upon notice by the Village Board, to hook up with the village water system.

B. The village may furnish water to persons within its corporate limits whose premises are not 300 feet from 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 sewer service to persons whose property line is not within 300 feet of the said public sewer.

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 within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the village to make such connection, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

(Neb. Rev. Stat. §17-537)

#### **SECTION 7-204: SERVICE TO NONRESIDENTS**

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

#### **SECTION 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 order of the utilities superintendent. (Neb. Rev. Stat. §17-537, 19-2701)

B. Hookup fees shall be assessed as follows:

1. Residential and business users (new line)
2. Residential and business users (3/4" old line)
3. Residential and business users (1" old line)

#### **SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE**

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



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

B. The making of application on the part of any applicant for the use or consumption of water service by present customers 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 customer 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 nonresidential building which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)

#### **SECTION 7-208: INSTALLATION EXPENSE; TAP FEE**

The village shall pay the cost of tapping the main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his or her agent shall tap the water main. The customer shall pay a tap fee in such sum as the Village Board shall require in each case, provided that a tap for a 3/4-inch pipe shall be deemed to be the minimum or base tap fee. The customer shall at the customer's own expense bring water service from the stop box to his or her own premises and shall install water service to the place of dispersement. Nonresidents shall pay such tap fees and installation charges in such sums as the Village Board pursuant to resolution shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. (Neb. Rev. Stat. §17-542)

#### **SECTION 7-209: REPAIRS AND MAINTENANCE**

A. The village shall repair or replace, as the case may be, all supply pipe be-

tween 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 dispersement. 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 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 expense of such test shall be borne by the village. 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 7-210: 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. The inspection 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.

(Neb. Rev. Stat. §17-537, 71-5301)

**SECTION 7-211: WATER RATES**

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

**SECTION 7-212: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the village on the account of the Water Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-102 and 7-103. (Neb. Rev. Stat. §17-540)

**SECTION 7-213: 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 7-214: SINGLE PREMISES**

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

**SECTION 7-215: 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 7-216: FIRE HYDRANTS**

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than members of the Fire Department under the orders of the fire chief or the assistant chief or employees of the

Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

#### **SECTION 7-217: POLLUTION**

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

#### **SECTION 7-218: 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 7-219: BACKFLOW PREVENTION DEVICES; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING**

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

D. Such customer shall also certify to the village at least one time every five years that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI certified water operator, if the device is equipped with a test port. 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 util-

ities superintendent at least every five years any potential cross-connections 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 OR CONTAMINATING FACILITIES; PERMIT REQUIRED**

A. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the village without first having obtained the proper permit from the Village Board: Potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit to drill and/or operate any of the facilities listed above, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the Village Board. 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 above-described facilities, the village trustees must approve or deny said permit.

(Ord. 00-20, 8/14/00)

**SECTION 7-221: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES**

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

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

(Ord. 00-20, 8/14/00)

## Article 3 – Sewer Department

### 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 sewer maintenance fund.

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

(Neb. Rev. Stat. §17-925.01)

### SECTION 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.

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

"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.

"Plumbing fixtures" shall mean and include receptacles intended to receive and dis-

charge water, liquids or water-carried wastes into the sewer system with which they are connected.

"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, surface, 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.

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of 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.

"Soil pipe" shall mean and include any pipe that conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

"Storm drain" shall mean a sewer that carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"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 two miles of the corporate limits thereof or in any area under the jurisdiction of said village.

B. It shall be unlawful to discharge to any natural outlet within the village, within two miles of the corporate limits thereof or in any area under its jurisdiction any sewage or other polluted waters, except where suitable treatment has been provided



in accordance with subsequent provisions of this article.

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

D. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff surface drainage, or polluted industrial process waters into the sanitary sewer.

E. 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. 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 100 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits whose property line is not within 100 feet of the said public sewer 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 sewer service to persons whose property line is not within 100 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

**SECTION 7-305: SERVICE TO NONRESIDENTS**

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 nonresidents. (Neb. Rev. Stat. §19-2701)

**SECTION 7-306: CONSUMER'S APPLICATION FOR PERMIT; CONNECTION FEE**

A. Any person wishing to connect with the sewer system shall make an application to the utilities superintendent, 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 application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Sewer service may not be supplied to any house or building except upon the order of the utilities superintendent. (Neb. Rev. Stat. §19-2701)

B. There is hereby established a connection fee for connection to the sewer system of the village as follows:

1. Residential and business (within corporate limits)
2. Residential and business (outside corporate limits)
3. Public school

**SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE**

A. The rules, regulations, and sewer rental rates hereinafter named in this article 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 official in charge of sewers is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

### **SECTION 7-308: INSTALLATION EXPENSE; TAP FEE**

The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the village before beginning installation. Such fee shall be set by the Village Board and filed in the office of the village clerk. The utilities superintendent, in his discretion, may direct the customer to hire a plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as any services of a plumber and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

### **SECTION 7-309: REPAIRS AND MAINTENANCE**

A. The village shall repair or replace all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. 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)

### **SECTION 7-310: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**

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

B. 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 clerk and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for wa-

ter mains, supply lines and service lines.

C. 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.

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

E. All installations or repairs of pipes require an inspection by the utilities superintendent. The inspection 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.  
(Neb. Rev. Stat. §18-503)

#### **SECTION 7-311: USE OF EXISTING SEWERS**

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

#### **SECTION 7-312: DIRECT CONNECTION; SPECIFIC CONDITIONS**

A separate and independent building sewer shall be provided for every building. Under no circumstances will two or more houses be allowed to make such connections through one pipe. (Neb. Rev. Stat. §18-503)

#### **SECTION 7-313: FEE STRUCTURE; CLASSIFICATION**

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

#### **SECTION 7-314: SEWER RATES**

The Village Board has the power and authority to fix the rates to be paid by the sewer customers for the use of sewer service. All such rates shall be on file for public in-

spection at the office of the village clerk. All sewer customers shall be liable for the minimum rate provided by ordinance.

### **SECTION 7-315: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the village on the account of the Sewer Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-102 and 7-103. (Neb. Rev. Stat. §17-540)

### **SECTION 7-316: MANHOLES**

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

### **SECTION 7-317: DESTRUCTION OF PROPERTY**

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

### **SECTION 7-318: DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED WATERS**

A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, exterior or interior foundation drainage or sub-surface drainage to any sanitary sewer. Uncontaminated cooling water or heating water and unpolluted industrial process waters may be discharged to a sanitary sewer only if expressly authorized by the water commissioner.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs. The costs shall be determined by the superintendent.

### **SECTION 7-319: HAZARDOUS DISCHARGES; PRETREATMENT**

Specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of appli-

cable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

## Article 4 – Solid Waste

### SECTION 7-401: DEFINITIONS

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

“Consumer” means all legal users of the garbage pickup service provided within the corporate municipal limits of the village and all legal users of the system who in any way use the same, either directly or indirectly.

“Garbage” means all waste, animal and vegetable matter, rubbish, trash, debris, aluminum, paper, leaves, grass clippings, tires, and other waste materials generally, including all discarded items of whatever nature. “Garbage” shall specifically not include automobiles, tires, tin, wire, iron, and any added restrictions set forth under Neb. Rev. Stat. §81-1501 et seq. or by federal regulations.

(Ord. No. 97-001, 1/6/97) (Am. by Ord. No. 01-10, 11/12/01)

### SECTION 7-402: COLLECTION FEES

A collection fee shall be charged by the contract vendor for each collection stop, which fee shall be collected by the village. The village clerk shall bill each collection stop for the collection fees, which shall be a part of the utility bills and collected in the manner set forth in Chapter 7, Article 1 herein. (Ord. No. 97-001, 1/6/97) (Am. by Ord. No. 01-10, 11/12/01)

### SECTION 7-403: APPLICATION FOR SERVICE

Application for garbage pickup service shall be filed with the village clerk as requested upon a form to be supplied by the village. The application shall state the name of the applicant and the premises where garbage pickup shall be made. Each consumer wishing to terminate garbage service pickup shall be required to file a written termination statement with the clerk. All garbage service pickups shall be presumed to be on a continuing basis pursuant to the application for service filed with the village clerk unless and until a written termination is filed with the clerk. (Ord. 97-0001, 1/6/97) (Am. by Ord. 01-10, 11/12/01)

### SECTION 7-404: PAYMENT RESPONSIBILITY

The owner of the premises served and the occupants thereof and consumer of the garbage pickup service shall be jointly and severally liable for the garbage pickup service provided the premises by the village. (Ord. 97-001, 1/6/97) (Am. by Ord. 01-10, 11/12/01)

### SECTION 7-405: COLLECTION RESPONSIBILITY

It is hereby made the duty of the village clerk to render service charge bills for garbage pickup service and all other charges in connection therewith and to collect the

monies due therefrom.  
(Ord. No. 97-001, 1/6/97)

#### **SECTION 7-406: REVENUES**

All revenues and money derived from the operation of the garbage pickup service shall be paid to and held by the village clerk separate and apart from other funds of the village. All other funds and money incident to the operation of the garbage pickup service as may be delivered to the village clerk shall be deposited in a separate fund designated "the Village of Orchard Garbage Service Revenue Fund Account." The village clerk shall administer the funds in every respect in a manner provided by the statutes of the state and all other laws pertaining thereto. (Ord. No. 97-001, 1/6/97) (Am. by Ord. No. 01-10, 11/12/01)

#### **SECTION 7-407: ACCOUNTING**

The village clerk shall establish a proper system of accounts and shall keep proper records, books, and accounts in which complete and correct entries shall be made of all transactions relative to the garbage pickup service system and at regular intervals annually the Village Board may cause to be made an audit of an independent auditing concern of the books to show the receipts and disbursements relevant to the garbage pickup service system. (Ord. No. 97-001, 1/6/97) (Am. by Ord. No. 01-10, 11/12/01)

#### **SECTION 7-408: TREE DUMP; OPERATION**

The village owns and operates the tree dump through the utilities superintendent, who shall have its direct management and control and shall faithfully carry out the duties of his position. The utilities superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the dump, subject to the supervision and review of the Village Board. The board shall provide by ordinance for the management and operation of the dump and shall set the rates to be charged for services rendered and file the same in the office of the village clerk for public inspection during office hours. (Neb. Rev. Stat. §19-2101 thru 19-2106)

#### **SECTION 7-409: TREE DUMP; RESTRICTED USE**

It shall hereafter be unlawful to dispose of any items in the dump except for trees, branches and leaves. (Neb. Rev. Stat. §19-2106)

#### **SECTION 7-410: TREE DUMP; STATE REGULATIONS**

It shall be the duty of the utilities superintendent to comply with the rules and regulations prescribed by the Department of Environmental Quality for the use and operation of the dump. (Neb. Rev. Stat. §81-1517, 81-1519)



## **Article 5 – Penal Provision**

### **SECTION 7-501: 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.