

## CHAPTER VI PUBLIC UTILITIES

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## CHAPTER VI

## PUBLIC UTILITIES

### ARTICLE I - WATER DEPARTMENT

#### SECTION 6-101: OPERATIONS AND FUNDING

The Village owns and operates a waterworks plant and water system in and for the residents of said village, and the following are hereby adopted as the rules and regulations for service by and usage of the village waterworks plant and water system, which will govern the operation of the system.

The utilities superintendent shall have the direct management and control of the village water system and shall faithfully carry out the duties of his/her office. The utilities superintendent shall have the authority to prepare rules and regulations for the sanitary and efficient management of the water system subject to the approval, supervision and review of the Board of Trustees. The Board shall set by ordinance the rates to be charged for services rendered and shall file a copy of the rates in the office of the village clerk for public inspection.

#### SECTION 6-102: TERMS DEFINED

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

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

2. "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.

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

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

#### SECTION 6-103: CONSUMER'S APPLICATION

Every person desiring utility services from the village must make application therefor to the village clerk upon a form furnished for that purpose. Such appli-

cation must be accompanied by a service deposit in an amount set from time to time by resolution of the Village Board. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

#### SECTION 6-104: WATER CONTRACT

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

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

#### SECTION 6-105: REPAIRS AND MAINTENANCE

Repairs to the service pipe shall be made by and at the expense of the customer. 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. All other repairs to the property of the water department, including the meter, shall be made by the Village. All water meters shall be kept in repair by the Village at the expense of the Village. When meters are worn out, they shall be replaced and reset by the Village at the expense of the Village; provided that if the customer permits or allows a water meter to be damaged, injured or destroyed through his/her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the utilities 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. All meters shall be tested at the customer's request, at the expense of the customer, any reasonable number of times; provided that 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.

#### SECTION 6-106: NEW MAIN INSTALLATION

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

#### SECTION 6-107: INSTALLATION PROCEDURE

1. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner occasioning the least inconvenience to the public and providing for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the utilities superintendent shall finish or correct the work and all expenses so incurred shall be charged to the consumer.

2. All installations or repairs of pipes require two inspections by the utilities superintendent: (a) when connections or repairs are completed and before the pipes are covered; and (b) after the first work is completed and the service is restored. It is the consumer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. All installation shall be done under

the supervision of and strictly in accordance with the terms established by said superintendent.

#### SECTION 6-108: INSTALLATION EXPENSE

The Village shall tap the main, install the meter, and provide 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/her duly authorized agent shall tap the water main. The customer shall pay a tap fee in such sum as the superintendent shall require in each case. A tap for 3/4 inch pipe shall be deemed to be the minimum or base tap fee. The consumer shall be required at his/her own expense to bring water service from the stop box and upon his/her own premises and shall employ a licensed plumber to install water service to the place of dispersement. The Village shall be responsible for the cost of the water meter. Non-residents shall pay such tap fees and installation charges in such sums as the Village Board 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.

#### SECTION 6-109: FEES AND COLLECTIONS

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 set by ordinance from time to time by the Village Board and placed on file in the office of the village clerk for public inspection. The village clerk shall bill the consumers and collect all money received by the Village on the account of the water department. He/she shall faithfully account for and pay to the village treasurer all revenue collected by him/her, taking his/her receipt therefor in duplicate, filing one with the village clerk and keeping the other on file in the water department's official records.

#### SECTION 6-110: MINIMUM RATES

All water consumers shall be liable for the rates as provided in Section 6-109, unless and until the consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again. Rates for water service for each customer shall be computed based on meter size and monthly consumption. Meter sizes are 3/4" pipe, 1" pipe, 2" pipe, and 3" pipe.

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## SECTION 6-111: WATER BILLS

Water fees shall be due and payable monthly and shall be mailed to the customer prior to the first day of each month. It shall be the duty of the customers of the water department to present themselves by the 20th day of each month, excluding Saturdays, Sundays and holidays, at the village clerk's office to pay their bills or to cause their payment to be mailed to the office of the village clerk. The village clerk's office shall charge and collect from each customer the amount due for water service together with any other charges, properly itemized, due the water department. Bills shall be due on the first day of each month and shall be payable by the 20th day of each month. Any bill paid after the 20th day of each month shall have a penalty charge added thereto of 10% of the monthly rate and water usage. Bills paid after the 20th day of each month shall be deemed delinquent. Upon being deemed delinquent as herein defined, the village clerk's office shall give written notice of such delinquency to the consumer and shall demand payment immediately. In the event the bill is not paid within seven days after sending of notice, it shall be discretionary with the Village Board to cut off service at any time; provided, if the delinquent consumer is a known client of the county's Department of Social Services, it shall be the duty of the village clerk or deputy clerk to notify the consumer and Social Services by certified mail of the proposed termination. In the event that water is shut off, there shall be assessed against the customer a reconnection fee in an amount set by resolution of the Village Board to compensate the Village for the additional hookup necessary to provide water service again to the delinquent customer. (Am. Ord. Nos. 367, 9/13/05; 464, 10/24/18)

## SECTION 6-112: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the village clerk on the first day of June each year to report to the Board of Trustees a list of all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

## SECTION 6-113: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his/her premises, nor shall any person, after water is supplied into a building, make or employ a plumber or other person to make a tap or connection with

the pipe upon the premises for alteration, extension or attachment without the written permission of the utilities superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. In the event that a landowner desires to supply water to motor homes or trailer houses on his/her property, he/she shall make application with the Village Board for approval. In this event, the Village Board may establish such charges as may be reasonable for the extension of such water service to the motor home or trailer house.

#### SECTION 6-114: RESTRICTED USE

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

#### SECTION 6-115: FIRE HYDRANTS

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

#### SECTION 6-116: 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 village water department.

#### SECTION 6-117: MANDATORY HOOKUP

All persons within 300 feet of a water main shall be required, upon notice of the Board, to hook up with the village water system; provided, no person shall be allowed to hook up a mechanical heat pump device or other prohibited mechanical device with the village water system.

#### SECTION 6-118: WATER SERVICE CONTRACTS

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 is destroyed by fire or other casualty, he/she shall at once inform the utilities superintendent, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the utilities superintendent is otherwise advised of such circumstances.

#### SECTION 6-119: INSPECTION

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

#### SECTION 6-120: 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 village water department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the utilities superintendent.

#### SECTION 6-121A: BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE

1. The purpose of these backflow regulations is:
  - A. To protect the public potable water supply system of the Village from the possibility of contamination or pollution within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
  - B. To promote the elimination, containment, isolation or control of existing cross connections actual or potential, between the public or consumer's potable water systems and nonpotable water systems, plumbing fixtures and industrial process systems.
  - C. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
2. Application: These backflow/backsiphonage prevention regulations shall apply to all premises served by the public potable water system of the Village.

3. Policy: These backflow/back-siphonage prevention regulations will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The village water department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within consumer's own premises.

#### SECTION 6-121B: BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

For the purposes of this article, the following terms shall mean:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.

"Approved tester" means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the Village.

"Authorized representative" means any person designated by the Village to administer this cross connection control ordinance.

"Auxiliary water system" means any water source system that may be available to the building or premises, other than the public water supply.

"Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases or substances into the water distribution system.

"Backsiphonage" means the flowing back of water or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system; provided backflow preventers have been tested and approved by a reputable testing laboratory.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.

"Contamination" means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

"Degree of hazard" means an evaluation of the potential risk to the public health and the adverse affect of the hazard upon the potable water system.

- A. Hazard, health – any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and wellbeing of the water consumer.
- B. Hazard, plumbing – a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separator or backflow prevention device.
- C. Hazard, pollution – an actual or potential threat to the physical properties of the water system or to the potability of the public or consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
- D. Hazard, system – an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the qualify of the potable water in the system.

"Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance or system.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrades its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Public potable water system" means any publicly or private owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Service connection" means the terminal end of a service line from the public water system. If a meter or type of shutoff valve is installed at the end of the service, then the service connection means the downstream end of the meter or valve.

"Water department" means the village water department of the Village of Cairo, Nebraska.

#### SECTION 6-121C: BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED

1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Village or its authorized representative.
2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.
3. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the village water department as necessary for the protection of health and safety.

#### SECTION 6-121D: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION

1. The consumer's premises shall be open at all reasonable times to the Village or its authorized representative for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system.
2. On request by the Village or its authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises and in the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the Village or its authorized representative.

SECTION 6-121E: BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the superintendent a health, plumbing, pollution or system hazard exists. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

2. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the superintendent, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following:

- A. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Village or its authorized representative and the Nebraska Department of Health;
- B. Premises having internal cross-connections which are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
- C. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist;
- D. Premises having a repeated history of cross connections being established or re-established;
- E. Premises which, due to the nature or the enterprise therein, are subject to recurring modification or expansion;
- F. Premises on which any contamination-causing substance is handled under pressure so as to permit entry into the public water supply system or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- F. Premises where toxic or hazardous materials are handled.

3. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the Village or its authorized representative or the Nebraska Department of Health to protect the public water supply, and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Village or its authorized representative and the Nebraska Department of Health:

- A. Agricultural chemical facilities;
- B. Auxiliary water systems, wells;
- C. Premises having water recirculating systems as used for boilers or cooling systems;
- D. Bulk water loading facilities;
- E. Car washes, automobile servicing facilities;
- F. Chill water systems;
- G. Feedlots;
- H. Fire protection systems;
- I. Hazardous waste storage and disposal sites;
- J. Irrigation and lawn sprinkler systems;
- K. Laundries and dry cleaning;
- L. Petroleum processing or storage plants;
- M. Beauty salons;
- N. Schools;
- O. Sewage pumping stations;
- P. Other commercial or industrial facilities which may constitute potential cross-connection.



## SECTION 6-121F: BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED

1. The type of protection required under Sections 6-121A through 6-121M of this article shall depend on the degree of hazard that exists as follows:

- A. An approved air gap separation shall be installed where the potable water supply system may be contaminated with any substance that could cause a severe health hazard;
- B. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard;
- C. An approved air gap separation, reduced pressure principle backflow prevention device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, or frost-free vacuum breaker shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

## SECTION 6-121G: BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

Any approved backflow prevention device required by Sections 6-121A through 6-121M shall be of a model or construction approved by the Village or its authorized representative and the Nebraska Department of Health.

- 1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- 2. Double check valve assemblies or reduced pressure principal backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection and maintenance.

## SECTION 6-121H: BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION

- 1. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the Village or its authorized representative. All devices shall be installed at the expense of the consumer unless the Village or its authorized representative agrees otherwise.

2. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or the corporation stop, as close to the meter or corporation stop and prior to any other connection.
3. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

#### SECTION 6-121I: BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the Village or its authorized representative. Actual testing shall be at the expense of the consumer unless the Village or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the Village. If testing shall require entry into the premises, the Village's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten working days in advance by first class mail, return receipt requested. If the consumer cannot make the appointment, consumer shall contact the Village's authorized representative to arrange another date and time.

#### SECTION 6-121J: BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE, AUTHORITY

The authorized representative shall have the authority to issue any order consistent with the provisions of Sections 6-121A through 6-121M in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed by certified mail with return receipt requested.

#### SECTION 6-121K: BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of Sections 6-121A through 6-121M has been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by this article, the owner may file a written notice of appeal with the village clerk within ten days after the decision or order of the authorized representative has been made. The Village Board shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representa-

tive. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Appeals shall be in writing and shall state the reason for the appeal.

#### SECTION 6-121L: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS

1. The Village or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the Village or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
2. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection ordinance to the satisfaction of the Village or its authorized representative.

#### SECTION 6-121M: BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS

The authorized representative shall be relieved from personal liability. The Village shall hold harmless the authorized representative when acting in good faith and without malice from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this title or by reason of any act or omission of the authorized representative in the discharge of his/her duties hereunder. Any suit brought carrying out the provisions of the title shall be defended by the Village or the Village's insurance carrier, if any, through final determination of such proceedings.

#### SECTION 6-122: DRILLING OF PRIVATE WELLS AND OPERATION OF CERTAIN FACILITIES WITHIN THE VICINITY OF VILLAGE WATER WELLS

It is 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 of Trustees. In order to obtain a permit to drill and/or operate any of the following facilities, the owner of the 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 Village Board at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the following facilities, the Village Board must approve or deny said application. Under no circumstances shall the Village Board approve any permit to drill or operate

any of the following facilities within the indicated number of feet from the village water wells:

Potable water well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for water	500 feet
Cesspool	500 feet
Dumping grounds	500 feet
Feedlot or feedlot runoff	500 feet
Livestock pasture or corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet.

In the event any of the above-described facilities are installed or operated without first having obtained a permit from the Village Board and/or within the designated number of feet from the village water supply, then such facilities shall be deemed a nuisance and the Village Board shall abate such facility by bringing an injunction action in the District Court of Hall County, Nebraska.

#### SECTION 6-123: USE OF LEAD PIPES, SOLDER AND FLUX PROHIBITED

Any pipe, solders or flux used in the installation or repair of any residential or non-residential plumbing system which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

1. Solders and flux -- not more than .2% lead, and
2. Pipe and pipe fittings -- not more than 8% lead.

#### SECTION 6-124: COMMERCIAL LIVESTOCK WATERING OPERATIONS

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

#### SECTION 6-125: WELLHEAD PROTECTION AREA

"Wellhead Protection Area" means the surface and subsurface area surrounding a water well or well field supplying a public water system through which contaminants are reasonable likely to move toward and reach such water or wellfield.

The Village designates a Wellhead Protection Area for the purpose of protection of the public water supply system. The boundaries of the Wellhead Protection Area are identified on a map prepared by the Nebraska Rural Water Association, based on 20-year time of travel using WHP II, which map is on file at the office of the village clerk and available for inspection by the public during reasonable business hours.



## ARTICLE II - SEWER DEPARTMENT

### SECTION 6-201: TERMS DEFINED

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

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

3. The term "garbage" shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

4. The term "local ventilating pipe" shall mean and include any pipe through which foul air is removed from a room or fixture.

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

6. The term "properly shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than 1/2 inch in diameter.

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

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

9. The term "sewer system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

10. The term "soil pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

11. The term "storm sewer" shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

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

13. The term "trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

14. The term "trap seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

15. The term "vent pipe" shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

16. The term "waste pipe" shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe or waste stack.

#### SECTION 6-202: OPERATION AND FUNDING

The Village owns the sewer system and operates the same through the utilities superintendent, who shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. The utilities 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 Village Board, for the purpose of defraying the cost of the management and maintenance of the village sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund.

Source: Neb. Rev. Stat. §17-925.01

#### SECTION 6-203: SEWERS REQUIRED

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

2. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said village, any sewage or other polluted



waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

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

4. The owner of all houses, buildings or other facilities used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

#### SECTION 6-204: PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary or combined sewer is not available under the provisions of Section 6-203(4) above, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utilities superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the utilities superintendent. A permit and inspection fee as set by the Village Board shall be paid to the village clerk at the time the application is filed. Such fee shall be set by resolution of the Village Board and may be amended from time to time. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the utilities superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the utilities superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of receipt of notice by the utilities superintendent. The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and/or rules and regulations of the Department of Health and the Department of Environmental Quality of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer within 45 days in compliance with this article, and any septic tanks,

cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

#### SECTION 6-205: PERMIT REQUIRED

Any person wishing to connect with the sewer system shall make an application therefor to the utilities superintendent. The superintendent may require any applicant to make a service deposit in such amount as he/she deems necessary, subject to the review of the Village Board. Sewer service may not be supplied to any house or building except upon the written order of the utilities superintendent. The department shall not supply sewer service to any person outside the corporate limits without special permission from the Village Board; provided that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing here shall be construed to obligate the Village to provide sewer service to non-residents.

#### SECTION 6-206: PERMITS; CLASSIFICATION; APPLICATION

There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent.

#### SECTION 6-207: SEWER CONTRACT

The Village, through the village sewer department, shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village, as and when, according to law, the Village Board may see fit to do so. The rules, regulations and sewer rental rates 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 the Village and every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Village, to which said contract both parties are bound. If the customer shall violate

any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his/her agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made except by order of the superintendent or his/her agent.

#### SECTION 6-208: CONTRACTS NOT TRANSFERABLE

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

#### SECTION 6-209: SERVICE TO NON-RESIDENTS

Any person whose premises are located outside the corporate limits of the Village and who desires to install a house or building sewer that will be connected with the village sewer system shall file a written application with the village clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises is devoted, and such other information as the Village Board may require. The Board shall consider such application at a special or regular meeting and may approve or reject such application. If approved, the Village Board shall set forth such terms and conditions for connecting with the village sewer system as it determines prudent. Source: Neb. Rev. Stat. §19-2701

#### SECTION 6-210: INSTALLATION PROCEDURE

In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, and during the night, without warning lights. After any house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 48 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. All installations of any building sewer require an inspection by the utilities superintendent, the building inspector or a competent plumber when the connections are completed and before the building sewer is covered. It is the

customer's responsibility to notify the utilities superintendent at the time the work is ready for inspection. All installation shall be done under supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the utilities superintendent; provided that the said rules, regulations and specifications have been reviewed and approved by the Village Board.

#### SECTION 6-211: INSTALLATION EXPENSE; TAP FEE

The customer, upon approval for sewer service, shall pay to the utilities superintendent a tap fee which shall compensate the Village for the expense of processing his/her application and tapping the sewer main. Said tap fee shall be in an amount set from time to time by resolution of the Village Board. The utilities superintendent, in his/her 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 the services of a plumber and shall pay all other costs of installation.

#### SECTION 6-212: USE OF EXISTING SEWERS

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

#### SECTION 6-213: SEPARATE CONNECTIONS

A separate and independent building sewer shall be provided for each building, except that 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 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. Other exceptions will be allowed only by special permission granted by the utilities superintendent.

#### SECTION 6-214: LICENSED PLUMBER; LIABILITY

1. It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without having a current plumber's license issued by the Village pursuant to Section 4-106 and complying with the rules and regulations of the utilities superintendent. Nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

2. The licensed plumber or drainlayer who connects with the public sewer

shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. Said plumber shall restore to the complete satisfaction of the utilities superintendent all streets that he/she has excavated and make good any settlement of the ground or pavement caused by such excavation.

#### SECTION 6-215: REPAIRS AND REPLACEMENT

1. The Village shall repair or replace, as the case may be, all pipe constituting major sewer mains. The village sewer department may require the owner of any property which is within the Village and 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.

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

3. All replacements and repairs made by the consumer shall be done in the manner and with the materials approved by the utilities superintendent, provided that the same have been previously approved by the Board of Trustees.

#### SECTION 6-216: SERVICE INTERRUPTIONS

The Village shall make all reasonable efforts to eliminate interruption of service and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

#### SECTION 6-217: INSPECTIONS

The chief sewer official or his/her authorized agents shall have free access at any reasonable time to all parts of each premises and building connected with the sewer system to ascertain whether there is any disrepair or violations of this article therein.

#### SECTION 6-218: MANHOLE

Entrance into a manhole or opening for any purpose except by authorized per-

sons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

#### SECTION 6-219: WILLFUL DAMAGE

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

#### SECTION 6-220: CLASSIFICATION

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

#### SECTION 6-221: SEWER BILLS

All users shall be billed monthly. Billings for any particular months shall be made within 30 days after the end of that month. Payment is due upon receipt of the bill. Any payment not received within 30 days after the billing is made shall be delinquent. A late payment penalty of 10% of the user charge bill will be added to each delinquent bill for each 30 days of delinquency. When a bill is 30 days in default, water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

#### SECTION 6-222: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer use fee which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of sewer use fees. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for sewer use, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. Source: Neb. Rev. Stat. §17-925.01

#### SECTION 6-223: SEWER USE RATES

The following classes of users have been established for sewer service: Class I, residential users/single family contributors; Class II, multi-family unit users; and Class III, all other users. A monthly charge for operation and maintenance, including replacement and debt service, shall be set for each class of users from time to time by the Village Board. Such charges shall be placed on file in the office of the village clerk for public inspection.

#### SECTION 6-224: USER CHARGE SYSTEM; REVIEW

The Village will review the user charge system periodically and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes.

#### SECTION 6-225: PROHIBITED DISCHARGES; STORM, SURFACE, GROUND, COOLING AND PROCESS WATERS

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated heating or cooling water, or unpolluted industrial waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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 or natural outlet.

#### SECTION 6-226: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Any waters or wastes having (a) a five-day BOD greater than 300 parts per million by weight, (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the Village shall be subject to the review of the utilities superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to 300 parts per million by weight, or (ii) reduce the suspended solids to 350 parts per million by weight, or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the utilities superintendent and no construction of such facilities shall be commenced until said approval are obtained in writing.

#### SECTION 6-227: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT

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

1. Any liquid or vapor having a temperature higher than 150° F (65° C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).



3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the utilities superintendent.

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

5. Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the utilities superintendent for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the utilities superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the utilities superintendent in compliance with applicable state or federal regulations.

8. Any waters or wastes having a pH in excess of 9.5.

9. Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride or sodium sulfate).
- b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over

discharge to the receiving waters.

#### SECTION 6-228: PROHIBITED DISCHARGES; UTILITIES SUPERINTENDENT'S DISCRETION

1. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-227 and which in the judgment of the utilities superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may (a) reject the wastes; (b) require pretreatment to an acceptable condition for discharge to the public sewers; (c) require control over the quantities and rates of discharge; and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6-233.

2. If the utilities superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the utilities superintendent and subject to the requirements of all applicable codes, ordinances and laws.

#### SECTION 6-229: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

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

#### SECTION 6-230: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

#### SECTION 6-231: CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the utilities superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the build-

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

#### SECTION 6-232: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of any premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

#### SECTION 6-233: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

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

#### SECTION 6-234: VIOLATIONS; PENALTY; LIABILITY

1. Any person found to be violating any provision of the hazardous discharges regulations (Sections 6-225 through 6-233) shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined in any amount not exceeding that permitted by Nebraska law for violation of a misdemeanor. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.



## ARTICLE III – SOLID WASTE DISPOSAL

### SECTION 6-301: DEFINITIONS

In the administration of this article, the following definitions shall prevail:

1. "Garbage" shall be defined to mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables, and dead animals rejected by rendering plants;
2. "Junk" shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or wrecked automobiles or parts thereof, and other old or scrap ferrous or nonferrous material;
3. "Refuse" shall mean putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes;
4. "Rubbish" shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety;
5. "Solid waste" shall mean any garbage, refuse, rubbish or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial and mining operations and from community activities.

### SECTION 6-302: VILLAGE RESPONSIBILITY

The Village shall operate the municipal solid waste disposal system and may contract for the day-to-day operation of the same with a qualified person, firm or corporation in the collection and disposal of solid waste. The Village may also own and operate or may contract with some other entity for the disposal of solid wastes in a landfill licensed by the State of Nebraska, Department of Environmental Quality. The Village Board or its authorized representative shall have the direct management and control of the solid waste collection and disposal and the Board of Trustees shall have the authority to adopt rules and regulations for the sanitary and efficient management thereof.

### SECTION 6-303: AREA OF SERVICE

The Village shall furnish solid waste pickup and disposal services to all persons

within the corporate limits, including both residential customers and commercial customers. The Village may also furnish solid waste pickup and disposal service to persons whose premises are situated outside of the corporate limits as, and when, according to law, the Village Board may determine to do so.

#### SECTION 6-304: MANDATORY PICKUP

All customers of the village water distribution system, both residential and commercial, shall become customers of the village solid waste disposal system and shall be assessed a monthly fee for collection services as provided by the Village or its authorized representative or independent contractor.

#### SECTION 6-305: OPEN BURNING BANNED

Open burning of solid waste is prohibited, except that the Board of Trustees may establish controlled burning dates two times a year or such other times as may be determined by the Board.

#### SECTION 6-306: SOLID WASTE REMOVAL

It shall be the duty of every owner and every person, firm or corporation in possession or control of any dwelling, apartment house, rooming house, mobile home court, school, club, restaurant or eating place; or in possession, in charge, or in control of any shop, place of business, professional office or manufacturing establishment where garbage, refuse or rubbish material is created, or accumulated, to cause to be removed from the premises where accumulated, such garbage, refuse, rubbish or other waste material by providing for its collection by the Village or its independent contractor. The collection and disposal of junk, tree limbs, shrubbery clippings and grass clippings shall be negotiated by the Board of Trustees or its authorized representative and the owner or possessor of the premises.

#### SECTION 6-307: DISPOSAL OF CONSTRUCTION WASTE

All accumulation of waste occasioned by the construction, alteration, remodeling, rebuilding and repairing of buildings or structures shall be removed and disposed of by the owner or contractor at no expense to the Village; and such waste shall not be considered as garbage, rubbish or refuse within this article.

#### SECTION 6-308: GARBAGE RECEPTACLES; RESIDENTIAL

It shall be the duty of every owner or occupant of any residential premises where meals are served or where garbage, refuse or rubbish is created or accumulated to provide and keep on the premises suitable and sufficient watertight, rodent-proof metal or plastic receptacles equipped with a tight-fitting lid and handles or a bail for easy handling. Such receptacles shall be a tote container or any other

container approved by the Village Board of its authorized representative. No 55-gallon barrels shall be permitted; provided, in multi-family residential areas, detachable containers may be used upon approval of the Village Board or its authorized representative.

#### SECTION 6-309: GARBAGE RECEPTACLES; NONRESIDENTIAL

It shall be the duty of every owner or occupant of any nonresidential premises where meals are served or where garbage, refuse or rubbish is created or accumulated to provide on such premises suitable and sufficient watertight, rodent-proof and insect-proof metal or plastic receptacles, equipped with a tight-fitting lid and handles or a bail for easy handling; provided, other receptacles may be used in accordance with the following:

- A. Fiber or pressed board receptacles may be used as garbage containers for restaurants, cafes and other similar businesses if such receptacles are protected from the elements and covered so that the contents will not blow away;
- B. Detachable containers may be used upon approval of the Village Board or its authorized representative.

No 55-gallon barrels shall be permitted in non-residential areas.

#### SECTION 6-310: GARBAGE RECEPTACLES; DUTY TO KEEP CLEAN

It shall be the duty of every person to keep his/her garbage receptacles or waste cans clean and free from offensive odors.

#### SECTION 6-311: GARBAGE RECEPTACLES; STORAGE

All receptacles used for the collection of garbage, refuse and rubbish shall be stored on the private premises of the lot owner or occupant, and in no event shall receptacles be stored in the alleys, easements or other village right-of-way. Said receptacles shall be placed by the owner or occupant of any such residential premises at the curb adjacent to the premises prior to the time of collection to facilitate the collection thereof.

#### SECTION 6-312: GARBAGE RECEPTACLES; REPAIR OR REPLACEMENT

If garbage cans or receptacles are in a state of disrepair or do not meet the requirements of this article, it shall be the duty of the Village Board or its authorized representative to leave notice with the owner thereof directing such repair or replacement as may be necessary.

#### SECTION 6-313: WET GARBAGE

All wet garbage in the residential districts shall be put in plastic bags or containers before placing the same in garbage cans or receptacles.

#### SECTION 6-314: RATES

The rates for monthly collection of residential and nonresidential solid waste shall be determined by resolution of the Board of Trustees or by contract with an independent contractor.



## ARTICLE IV - UTILITIES GENERALLY

### SECTION 6-401: DEPOSIT

1. Any person, firm or corporation who is not the property owner of the premises to be served applying for any new commercial or residential utility account, including but not limited to sewer, water and garbage collection service, shall pay a utility deposit in a sum of \$100.00.

2. Rental property shall be billed as follows:

- a. All landlords shall be required to sign an owner's consent form agreeing to pay all unpaid utility charges for their property before a tenant's utility application will be accepted and the landlord re-connect fee waiver will be allowed.
- b. All unpaid utility charges after final billing and/or disconnect of water, sewer and trash, shall be the primary responsibility of the property owners of any rental properties within the Village. Any utility deposit paid by the tenant shall be credited to the account.
- c. Prior to disconnection of utilities from any known rental units within the Village, the property owner shall be given seven days' notice of the failure of the renter to pay such bills when due.
- d. In the event the renter and the owner fail to pay such utility charges within the time set forth in the village ordinances, the utilities to such property shall be disconnected.
- e. Upon payment in full by the owner of the property, the re-connection charges shall be waived. Waiver of a re-connection fee will not be granted for partial payment of the past due utility charges. The re-connection fee shall not be waived for a tenant.

(Am. Ord. No. 473, 9/10/19)

### SECTION 6-402: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

No village utility shall discontinue service to any domestic subscriber for non-payment 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. As to any subscriber who has previously been identified to the utility as a client of the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to Social Services.

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

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.

Source: Neb. Rev. Stat. §70-1603, 70-1604

#### SECTION 6-403: DIVERSION OF SERVICES; PENALTY

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

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

- a. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or
- b. Liquidation damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

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

4. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized meter-

ing is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

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

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

Source: Neb. Rev. Stat. §86-331.01 through 86-331.04

#### SECTION 6-404: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION; EVIDENCE

1. Any person who connects any pipe or conduit 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 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.

2. 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 water passing through it without the knowledge and consent of the Village shall be deemed guilty of an offense.

3. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615 or Section 6-401 of this code, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

4. Proof of the existence of any pipe or conduit 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.

Source: Neb. Rev. Stat. §86-329 through 86-331



## ARTICLE V - PENAL PROVISION

### SECTION 6-501: VIOLATION; PENALTY

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

