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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 has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system. The Village Board is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. All such rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such 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

A. The water commissioner shall read, or cause to be read, water meters monthly. It shall be the duty of the consumers to present themselves monthly at the village office to pay their bills in net cash. The water commissioner shall direct the village clerk to charge and collect from each consumer for the amount of water consumed since the last reading, together with sewer use, garbage collection, and any other charges, properly itemized, due the village. Garbage collection fees shall be as set by resolution of the Village Board and filed in the village office.

B. Bills shall be due on the tenth day of each month. Bills paid after the tenth day of each month shall have a penalty charge added thereto in the amount as set by resolution of the Village Board and filed in the village office. Bills not paid by the 15th of the month shall be deemed delinquent and subject to shutoff. Upon being deemed delinquent as herein defined, the village clerk shall give written notice to the consumer of such delinquency and shall demand payment immediately. In the event the bill is not paid by the end of the month, the village clerk shall notify the water commissioner, who shall, at his or her discretion, cut off water service anytime thereafter; 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 to notify such consumer of the proposed termination by hand delivery of the notice or by posting it on the door of the residence.

C. In the event that the water is shut off, the water commissioner shall assess an additional fee to compensate the village for the addi­tional hookup necessary to again provide water service to the delinquent customer. Such fee must be paid in advance of reconnection to the village water supply. The said fee shall be as set by resolution of the Village Board and filed in the village office.

(Ord. No. 2010-04, 8/4/10) (Am. by Ord. No. 2014-1, 1/8/14)

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 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 utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility charge which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the village clerk to report quarterly to the Village Board a list of all unpaid accounts due for utilities which are more than 60 days delinquent, together with a description of the premises upon which the same 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 exist; and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

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

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

(Neb. Rev. Stat. §25-21,276, 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 or her office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

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

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP

A. All persons whose property abuts 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 do not abut a street or alley in which a village commercial main is now or may hereafter be laid with permission from the Village Board, provided the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide water service to persons whose property line is not within 300 feet of the said water main.

C. Each primary structure hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant or lessee shall neglect, fail or refuse 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 NON-RESIDENTS

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

SECTION 7-205: CONSUMER'S APPLICATION; DEPOSIT

Every person desiring a supply of water must make application therefor to the village clerk upon the form to be furnished for that purpose. Water may not be supplied to any house or private service pipe except upon the order of the water commissioner. New applicants for water service shall pay a deposit in an amount set by resolution of the Village Board and filed in the village office. Any applicant who owns and resides upon the property receiving water service shall have his or her deposit returned one year after continuous non-delinquent payment of water bills. Any applicant who rents the property receiving water service shall receive a refund only upon voluntary termination of water service upon said renter. In the event the applicant terminates or is terminated from service, the deposit may be applied to any unpaid amounts due and the remainder of the bill that is owed after application of the deposit may be collected by any lawful means available to the village under its ordinances. (Neb. Rev. Stat. §17-537, 19-2701) (Am. by Ord. No. 2014-2, 1/8/14)

SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE

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

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

(Neb. Rev. Stat. §17-537)

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

Any pipe, solders or flux used in the installation or repair of any residential or non-residential building which is con­nected to the public water supply system shall be lead free. For purposes of this section, “lead free” shall mean (A) solders and flux, not more than .2% lead; and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-208: 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 same at no cost to the applicant or user. Water mains are described as any pipe that is 2 inches or larger. 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 4-inch cast iron or approved polyvinyl chloride (PVC) or larger pipe and shall form connecting loops where possible to eliminate dead ends. The manner in which connecting loops are accomplished shall be left to the discretion of the water commissioner. In cases where the main construction requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

SECTION 7-209: INSTALLATION; EXPENSE; tap fee

The village shall pay the cost of tapping the main and providing fixtures and labor up to and including the stop box at the lot line of the consumer. The village shall furnish the meter but it is the responsibility of the consumer to pay for installation of said meter. No person other than the water commissioner or his or her duly authorized agent shall tap the water main. The consumer shall, at his or her own expense, bring water service from the stop box and upon his or her own premises and shall employ a plumber who shall install water service to the place of disbursement. Non-residents shall pay such tap fees and installation charges in such sums as the water commissioner shall fix in each case, pursuant to resolution of the Village Board. 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 7-210: REPAIRS AND MAINTENANCE

A. The village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersal. 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 7-211: PLUMBERS; LIABILITY

No plumber shall do any work upon the service pipe or any other portion of the plumbing system of any premises either within or without a building in an amount of $50.00 or more without first being licensed by the State of Nebraska. All plumbing shall be done in the manner required by the village plumbing code or according to acceptable plumbing practices of the area. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks or to make any connec­tion with or extension of the supply pipes of any consumer taking water from said system.

SECTION 7-212: INSTALLATION or repair PROCEDURE

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

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

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

(Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-213: 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 7-214: 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 7-215: RIGHT OF ENTRY FOR INSPEC**TION

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

SECTION 7-216: SINGLE PREMISES; leased 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. Each tenant or lessee shall be responsible for all water service used in any space rented or leased by him or her. Each separate apartment or other leased premises shall be deemed to be a separate user of the village water supply, and shall be required to pay any deposit and use fees as set by resolution of the Village Board and filed in the village office. (Neb. Rev. Stat. §17-537)

**SECTION 7-217: DESTRUC**TION 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 7-218: 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 7-219: 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 7-220: FLUORIDE PROHIBITED

Fluoride shall not be added to the water supply of the village until decided by election of qualified voters.

SECTION 7-221: RESTRICTED USE

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

SECTION 7-222: 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 the Village Board.

SECTION 7-223: 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 or her 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. Every backflow prevention device equipped with a test port shall be tested as often as required by the village but at least once each year by a Grade 6 certified water operator, with test results certified to the village as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a form available at the office of the village clerk.

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

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

(Ord. No. 107, 9/1/99)

SECTION 7-224: DROUGHT EMERGENCY CONTINGENCY PLAN

The village shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The village chairman is hereby authorized to implement the appropriate conservation measures as set forth in this section when any of the conditions have been reached which would qualify for any of the specific stages. The chairman is given discretion to declare each particular stage as deemed appropriate by reviewing the severity of the trigger conditions and other additional information and is further authorized to implement conservation measures within the guidelines provided for each particular stage. (Ord. No. 2007-03, 5/2/07)

SECTION 7-225: WATER EMERGENCY; STAGE 1 - WATER WATCH

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

1. Ground water levels have fallen 5 feet below normal seasonal levels.

2. System pressure falls below 35 pounds per square inch.

3. Demand for one day is in excess of 50,000 gallons per day.

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

C. *Management Actions.*

1. Leaks will be repaired within 48 hours of detection.

2. The village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

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

(Ord. No. 2007-03, 5/2/07)

SECTION 7-226: WATER EMERGENCY; STAGE 2 - WATER WARNING

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

1. Ground water levels have fallen 10 feet below normal seasonal levels.

2. System pressure falls below 35 pounds per square inch.

3. Plant operations are at 80% capacity for more than three consecutive days.

4. Demand for one day is in excess of 50,000 gallons per day.

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

C. *Management Actions.*

1. Water supply will be monitored daily.

2. Leaks will be repaired within 24 hours of detection.

3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

4. Village will curtail its water usage, including watering of village grounds and washing of vehicles.

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

1. An odd/even lawn watering system will be imposed on village residents. Residents with odd-numbered houses will water on odd days, even-numbered houses on even days.

2. Outdoor water use, including lawn watering and car washing, will be restricted to before 10:00 a.m. and after 9:00 p.m.

3. Refilling of swimming pools will be limited to one day a week after sunset.

4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.

5. Waste of water will be prohibited.

(Ord. No. 2007-03, 5/2/07)

SECTION 7-227: WATER EMERGENCY; STAGE 3 - WATER EMERGENCY

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

1. Ground water levels have fallen 15 feet below normal seasonal levels.

2. System pressure falls below 35 pounds per square inch.

3. Pumping lowers water levels to within 5 feet of the top of the well screens.

4. Plant operations are at 90% capacity for more than three consecutive days.

5. Demand for one day is in excess of 50,000 gallons per day.

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

C. *Education Actions.*

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

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

D. *Management Actions.*

1. Village water supplies will be monitored daily.

2. Leaks will be repaired within 24 hours of detection.

3. Standby wells will be activated for contingency operation.

4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

5. The village will seek additional emergency supplies from other users, the state or federal government.

E. *Regulation Actions.* In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the village chairman:

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

2. Waste of water will be prohibited.

F. *Enforcement*. In the event that any water consumer fails to comply with any regulatory action taken by the village, then the village chairman may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed when the chairman has been provided adequate evidence to show that compliance has been instituted and will continue under the restrictions imposed.

(Ord. No. 2007-03, 5/2/07)

SECTION 7-228: WELLHEAD PROTECTION AREA

A. *Boundaries*. Neb. Rev. Stat. § 17-1001 provides that the jurisdiction of the village to prevent any pollution or injury to the stream or source of water for the supply of its waterworks shall extend one mile beyond its corporate limits. The municipal water wells of the village and the site for a future municipal water well are located within the corporate limits of the village or within one mile of the village boundaries, specifically within the parcel of real estate, as mapped by the Nebraska Department of Environmental Quality, called the wellhead protection area.

B. *Definitions*.

1. “Water well” shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water.

2. “Wellhead protection area” shall mean the surface and subsurface area surrounding a public water supply well or wellfield supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

C. *Prohibitions.* It shall be unlawful for any person to place, construct, or replace any of the following structures or conduct any of the following activities within the wellhead protection area, except as may be provided herein. All facilities existing on the effective date of enactment shall be exempt from the requirements of this section, subject to the conditions set out in subsection (G). The *Manual of Water Well Construction Practices*, published by the U. S. Environmental Protection Agency, Office of Water Supply, and *Recommended Standards for Water Works*, 1987 Edition, published by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, adopted by the Nebraska Department of Health as guidelines for water system design, are hereby adopted by reference. The Nebraska Department of Health, Title 179, Chapter 2, Attachment 1, has set these guidelines for water system design.

D. The minimum recommended horizontal distance in feet separating the municipal water well from potential sources of contamination shall be as described below:

|  |  |
| --- | --- |
| 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 |

E. *Permit Required; Procedure*. The placing, constructing or replacing of any structure or activity as set forth in subsection (D) shall not be permitted after the effective date of this ordinance unless a permit approved by the Village Board has been obtained. Should any person, corporation or other legal entity desire to obtain a permit to drill and/or operate any of the facilities described in subsection (D), the owner of real property on which the proposed facility is to be located must complete and submit an application to the village clerk.

F. *Conditions.* The chairman and Village Board may approve the placement, construction or replacement of a Subsection (D) Structure or Activity within the wellhead protection area only if the board determines that such placement, construction or replacement will not cause contaminants to enter the public water supply.

G. *Hazardous Structures or Activities.* Subsection (D) Structures or Activities in existence in the wellhead protection area as of the effective date of this ordinance shall continue to be permitted unless such continued existence or use is determined by the Village Board to present a hazard to the quality or quantity of the public water supply. If the board determines that such activity or structure presents such a hazard, then the board shall authorize the chairman to notify the owner of the Subsection (D) Structure or Activity to cease and desist said structure or activity. If said owner does not cease and desist, said structure or activity pursuant to said notice, the chairman may proceed pursuant to Section 7-501 of this chapter against said owner and/or the structure or activity. In addition, the village may obtain injunctive relief and sue for damages and remediation and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters.

(Ord. No. 2007-05, 12/5/07)

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 or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-­925.01)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

"Utilities superintendent" shall mean the utilities superintendent of the village sewage system or his/her 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. 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 60 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 NON-RESIDENTS

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

SECTION 7-306: Consumer’s APPLICATION

Any person wishing to connect with the sewer system shall make an application therefor to the village clerk upon the form to be furnished for that purpose. (Neb. Rev. Stat. §19-2701)

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

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

B. The making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the village to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his or her 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 or her 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

The cost of providing sewer service to any building shall be paid by the customer. It shall be the responsibility of the customer to pay the cost of installation and materials from the main to the building. Pipe and other appurtenances shall be of such quality and type as may be approved by the commissioner. The cost of installation of sewer mains for service to platted lots within the village shall be paid by the village. Installation of the sewer main need only enable such lot owners to have reasonable access to the sewer main, and it shall be presumed that reasonable access exists if the main is installed within the village easement or street and parallel to any lot line served by the main. However, nothing in this section shall be construed to prevent the village, at its discretion, from making approval of any new subdivisions contingent upon payment of all or part of the cost of sewer main installation by the developer of the lots contained in the subdivision. (Am. by Ord. No. 2005-01, 7/6/05)

SECTION 7-309: repairS and Maintenance

A. All repairs or replacements to service sewer pipes between the main sewer in the street and the premises of the owner, occupant or lessee shall be made by him or her at his or her own expense. Repairs to the main sewer pipe shall be made by the village at its expense, except in the service to non-residents.

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 sewer 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 sewer system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines and service lines.

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 house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the 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 two inspections by the utilities superintendent: (1) when connections or repairs are complete and before the pipes are covered, and (2) after the dirt work is completed and the service restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection.

(Neb. Rev. Stat. §18-503)

SECTION 7-311: LICENSED PLUMBER

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 State of Nebraska and complying with the rules and regulations of the Village Board; provided, nothing herein shall be construed to apply to a person, firm or corporation under special contract with the village for the construction, extension or repair of the village sewer system.

SECTION 7-312: PLUMBER'S LIABILITY

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

SECTION 7-313: DIRECT CONNECTION; SPECIFIC CONDITIONS

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

SECTION 7-314: 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 7-315: 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 inspection at the office of the village clerk. All sewer customers shall be liable for the minimum rate provided by ordinance.

SECTION 7-316: 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 7-317: 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 7-318: VILLAGE LIABILITY

The village shall not be liable for any damage that may arise out of the operation of the village sewer system, whether such damage arises out of unforeseeable circumstances or due to the negligence or neglect of any of the employees of the village. All customers of the village sewer system hereby agree that in using the facilities of the sewer system, they agree to assume the risk of the said damage.

SECTION 7-319: 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 7-320: DISCHARGE OF Storm water and other unpolluted waters

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, exterior or interior foundation drainage or subsurface 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. Storm water 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 7-321: HAZARDOUS DISCHARGES; PROHIBITED

Specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

Article 4 – Solid Waste

SECTION 7-401: PICKUP AND DISPOSAL BY SOLID WASTE ENTITY

The village shall contract with an authorized solid waste disposal entity for the pickup and disposal of solid waste gener­ated within the village limits and jurisdiction of said village.

SECTION 7-402: WASTE CONTAINER REQUIRED; GARBAGE COLLECTION; FEES

A. The owners, occupants or lessees of all occupied houses, buildings or property within the village shall deposit all solid waste generated by such owners in waste containers approved by the Village Board. It shall be unlawful for any person to place, deposit or permit to be deposited in any manner on public or private property within the village or in any area under the jurisdiction of said village any garbage, refuse or solid waste, except within a village-approved waste container.

B. The garbage contractor contracted by the Village Board shall, not less than one time a week, collect such solid waste and dispose of the same in a state-approved landfill. All such customers shall be and hereby are assessed a collection fee as set by resolution of the Village Board and filed in the village office.

SECTION 7-403: RATES; COLLECTION TIMES SUBJECT TO AMENDMENT

The rates provided for herein and the times for collection may be amended from time to time by resolution of the Village Board. Nothing herein shall be construed to obligate the village to provide such pickup and disposal services to non-residents of the village.

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.