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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. (Neb. Rev. Stat. §17-538)

SECTION 7-102: BILLING AND COLLECTIONS

A. Utility bills shall be a joint bill for all utilities and shall be due and payable quarterly at the office of the village clerk. It shall be the duty of the clerk to compute or cause to be computed a joint utility bill each month according to the appropriate provisions of this article. It shall be the duty of all utilities customers to cause to be mailed or to present themselves monthly at the office of the village clerk and pay their bills in net cash for all charges properly itemized. The net amount shall be paid on or before the due date shown on utility bills each month and shall be deemed delinquent if not paid by the due date shown. Delinquent bills shall be subject to a delinquency fee and shall be subject to the provisions of this chapter.

B. Accounts between consumers and the Village shall be kept by the utilities superintendent under such bookkeeping system as shall be provided by the chairman and Board of Trustees. A consumer's ledger shall be kept, with a separate account for each consumer, and shall be kept current.

C. All bills for water service shall be due quarterly on the 10th day of each billing month and shall be payable at the office of the village clerk. Bills shall be delinquent on the 20th day of each of said billing months. If said bills are not paid when due, a 1.5% penalty shall be added to the consumer's bill for delinquency. Upon proper hearing and notice, the water service to said customer may be discontinued until said bill and all other charges due to the Village are paid. Other charges shall include, without limitation, the disconnect and reconnect fees set by the Village Board and placed on file in the office of the village clerk for public inspection.

SECTION 7-103: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the Village for utilities service furnished, such amount due, together with any rents

and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. 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 the utilities rent. It shall be the duty of the utilities superintendent on June 1 of each year to report to the Village Board a list of all unpaid accounts due for utilities service, together with a description of the premises served. 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 7-104: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

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

B. Prior to the discontinuance of service to any domestic subscriber by a village utility, the 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. 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 of Trustees 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 7-105: DIVERSION OF SERVICES; 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 of 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 7-102 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 or tampering 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 or tampering.

B. In any civil action brought pursuant to this section, the Village shall be entitled, upon proof of willful or intentional bypassing or tampering, 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 or tampering, 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 or tampering is proven to exist caused or had knowledge of such bypassing or tampering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing or tampering 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 or tampering is proven to exist caused or had knowledge of such bypassing or tampering if the customer controlled access to the part of the utility supply system on the premises where the bypassing or tampering was proven to exist.

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

(Neb. Rev. Stat. §25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the 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; PRIVATE NON-VILLAGE WELLS

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

B. Private wells previously constructed and operating prior to the Village establishing its water system shall be permitted to operate, providing that such well complies with other existing, applicable ordinances and does not violate applicable State laws or regulations promulgated by the Nebraska Department of Health.
(Neb. Rev. Stat. §17-537)

SECTION 7-204: CONSUMER'S APPLICATION; SERVICE DEPOSIT; CONNECTION OUTSIDE CITY LIMITS

A. Every person or persons desiring a supply of water must make application therefor to the village clerk, who may require any applicant to make a service deposit in such amount as set by resolution by the Village Board and placed on file at the village office. Water shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent, who shall require any applicant to pay a connection and inspection fee of \$100.00.

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

SECTION 7-205: WATER CONTRACT; NOT TRANSFERABLE

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

B. 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. Without further formality, the making of application on the part of any applicant or the use or consumption of water service 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 con-

sumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his agent may cut off or disconnect the water service from the building or premises 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 superintendent or his agent.

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

(Neb. Rev. Stat. §17-537)

SECTION 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 211, 10/3/88)

SECTION 7-207: WATER METERS REQUIRED; LAWFUL USE

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

SECTION 7-208: INSTALLATION; EXPENSE; TAP FEE

The Village shall pay the cost of tapping the main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his duly authorized agent shall tap the water main. The customer shall pay a connection and inspection fee set by resolution and on file at the village office. The customer shall at his or her own expense bring water service from the stop box and upon his own premises and shall employ a licensed plumber who shall install water service to the place of dispersement. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. (Neb. Rev. Stat. §17-542)

SECTION 7-209: PLUMBERS

Any plumber working on any of the pipes or appurtenances of the system of waterworks or to making any connection with or extension of the supply pipes of any con-

sumer taking water from the said system shall comply with the requirements of the utilities superintendent. The said plumber's work shall be at all times subject to the inspection and approval of the superintendent, and it shall be unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE

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. 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. (Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-211: WATER RATES

A. 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 and 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)

B. The tariff of rates hereby established shall be reviewed by the Board of Trustees not less than annually, and adjustments to said rates may be made periodically according to current use and actual operation and maintenance cost.

SECTION 7-212: BILLING AND COLLECTIONS

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

SECTION 7-213: REPAIRS AND MAINTENANCE

Repairs to the service pipe shall be made by and at the expense of the customer. 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 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 ne-

glect so that it 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 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 7-214: INSPECTIONS

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 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)

SECTION 7-215: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-216: SINGLE PREMISES

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

SECTION 7-217: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water

Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the utilities superintendent.

SECTION 7-218: 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

No fluoride or fluoride compound shall be added to the water supply of the village.

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: 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 Title 179, Nebraska Department of Health, and approved by the utilities superintendent.

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

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

D. Such customer shall also certify to the Village at least one time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI certified water operator, if the device is equipped with a test port. Such certification shall be made on a form available at the office of the village clerk.

E. All customers of the Water Department shall be required to report to the 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.

SECTION 7-223: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

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

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

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

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

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

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

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

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

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

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

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business, as distinct from sanitary 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.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

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

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

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

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

"Shall" is mandatory; "may" is permissive.

"Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five times the average 24-hour concentration or flows during normal operation for any period longer than 15 minutes.

"Suspended solids" shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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

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

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

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

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

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage. Septic tanks may be installed as provided in Section 7-320.

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 the said public sewer is within 300 feet of the property line.

B. The Village may furnish water to persons within its corporate limits whose premises are property line is not within 300 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. 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.

SECTION 7-305: SERVICE TO NONRESIDENTS

The department shall not supply sewer service to any person outside the corporate

limits without special permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the Village to provide sewer service to nonresidents. (Neb. Rev. Stat. §19-2701)

SECTION 7-306: APPLICATION FOR PERMIT; CLASSIFICATION

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 a written permit from the utilities superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Sewer service may not be supplied to any house or building except upon the order of the utilities superintendent. (Neb. Rev. Stat. §19-2701)

B. There shall be two classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes.

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

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

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

C. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall 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. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION EXPENSE

A. The Village will furnish, at its expense, the necessary labor and material to install the connecting unit to be attached to the main or lateral sewer line.

B. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

C. The customer, upon approval of his or her application for sewer service, shall pay a connection and inspection fee as set by resolution and on file for public inspection at the office of the village clerk before beginning installation. The utilities superintendent, in his discretion, may direct the customer to hire a plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as any services of a plumber and shall pay all other costs of installation.

(Neb. Rev. Stat. §18-503)

SECTION 7-309: USE OF EXISTING SEWERS

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

SECTION 7-310: INSTALLATION OR REPAIR; PROCEDURE

A. All installation of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications on file with the village clerk and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

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

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: PLUMBERS

The plumber who connects with the public sewer system shall be held responsible for any damage to the sewers or the public ways and property. Said plumber shall restore all excavated streets to the complete satisfaction of the utilities superintendent and make good any settlement of the ground or pavement caused by such excavation.

SECTION 7-312: 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 7-313: FEE STRUCTURE; CLASSIFICATION

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

SECTION 7-314: SEWER RATES

A. Customers of the Sewer Department shall be charged a flat rate based on water usage for the use of sewer service. Rates shall be set by ordinance by the Village Board and on file at the office of the village clerk for public inspection.

(Neb. Rev. Stat. §18-509)

B. In addition, the ordinance on file with the village clerk shall provide for the following surcharges:

1. A high-strength waste surcharge established for pollutant levels (BOD,

SS, etc.) which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant. (See Appendix B of 40 CFR 35.900)

2. The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from such discharge.

SECTION 7-315: SURCHARGES

In addition to other elements of the total user charge system, the ordinance on file with the village clerk shall provide for the following surcharges:

A. A high strength waste surcharge established for pollutant levels (BOD, SS, etc.) which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant. (See Appendix B of 40 CFR 35.900)

B. The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from such discharge.

SECTION 7-316: USER CHARGE REVIEW

The Village Board shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

A. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

B. Generate adequate revenues to pay the costs of OM&R;

C. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

SECTION 7-317: SEWER MAINTENANCE FUND

The operation, maintenance and replacement (OM&R) portion of the total sewer user charges shall be deposited in a non-lapsing sewer maintenance fund or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R the sewer maintenance fund will have a minimum of two primary accounts:

A. An O&M account with provision for carry-over of the fiscal year-end balance to meet the overall O&M costs in the subsequent fiscal year; and

B. A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the "replacement" needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining said fund on a perpetual basis, the Village shall budget a sum of money not less than 20% of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal yearend balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.

SECTION 7-318: USER NOTIFICATION

Each user will be notified, at least annually, with a regular bill, of the rate and that portion of the user charges ad valorem taxes which are attributable to wastewater treatment.

SECTION 7-319: 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 7-320: REPAIRS AND REPLACEMENT

A. The Village shall repair or replace all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent provided the same have been previously approved by the Village Board.

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

(Neb. Rev. Stat. §18-1748)

SECTION 7-321: 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 re-

ceptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 7-322: 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 7-323: PRIVATE SEWAGE DISPOSAL; PERMIT

A. Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of 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 are deemed necessary by the superintendent. A permit and inspection fee of \$5.00 shall be paid to the Village at the time the application is filed.

C. 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 shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

E. 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 in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124 as provided in subsection (D).

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

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 7-324: DISCHARGE OF WATERS; PROHIBITED

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. Storm waters 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, which shall be determined by the superintendent with the approval of the Village Board.

SECTION 7-325: HAZARDOUS DISCHARGES; PROHIBITED

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

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in waters of the sewage 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.

C. 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.

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

SECTION 7-326: HAZARDOUS DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT; PRELIMINARY TREATMENT

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 an 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, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 180° degrees F (52°C).

B. Any water or wastes 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 180° F (0° and 52° C).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the utilities superintendent.

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

E. Any waters 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.

F. 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 or jurisdiction for such discharge to the receiving waters.

G. 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.

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

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as but not lim-

ited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride or sodium sulfate).

2. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

J. 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.

K. Any waters or wastes (1) having 5-day BOD greater than 300 parts per million by weight, (2) containing more than 350 parts per million by weight of suspended solids or (3) 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.

L. Where necessary in the opinion of the utilities superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes.

M. Plans, specifications, and any 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 approvals are obtained in writing.

SECTION 7-327: HAZARDOUS DISCHARGES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE

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 7-326 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 han-

dling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 7-328. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to his review and approval and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 7-328: INTERCEPTORS; SURCHARGES

In the event a customer of the Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand, the utilities superintendent may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe, subject to the review of the Village Board. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Village Board and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment subject to additional rental fees or other charges.

SECTION 7-329: INSPECTIONS

The utilities superintendent shall have free access at any reasonable time to all parts of each premises and building connected to the sewer system to ascertain whether there is any disrepair or violation of this article therein. The failure of the owner or occupant of any premises or building to permit such access shall be deemed a violation of the contract between the user and the Village which will subject the premises or building involved to termination of service.

SECTION 7-330: 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 building 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 or her expense and shall be maintained so as to be safe and accessible at all times.

SECTION 7-331: COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to above, the su-

perintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the village employees and the Village shall indemnify the company against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required herein.

SECTION 7-332: COMPLIANCE; INSPECTIONS; EASEMENTS

In order to verify compliance with the provisions of this article concerning hazardous and prohibited discharges, the utilities superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties, including those for which the Village holds a duly negotiated easement, for purposes of but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works. All entry and subsequent work, if any, on any such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 7-333: VIOLATION; NOTICE AND LIABILITY

Any person found to be violating any provision of the hazardous discharges regulations, Sections 7-325 to 7-331, 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. Any person violating any of the provisions of Sections 7-325 to 7-331 shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

Article 4 – Solid Waste

SECTION 7-401: GARBAGE; DEFINED

The term "garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

SECTION 7-402: TRASH; DEFINED

The terms "rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Village.

SECTION 7-403: WASTE; DEFINED

The term "waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

SECTION 7-404: GARBAGE, TRASH, AND WASTE

A. It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises or any other place in the Village any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Village unless the same is kept in receptacles as nearly air-tight as may be practical. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic bag securely tied at its opening.

B. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by the village marshal, who shall represent the Board of Health.

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

(Neb. Rev. Stat. §81-1516)

SECTION 7-405: TREE DUMP; OPERATION

The village owns and operates the tree dump through the utilities superintendent, who shall have the direct management and control of it and shall faithfully carry out the duties of his position. The utilities superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the dump, subject

to the supervision and review of the Village Board. The board shall provide by ordinance for the management and operation of the dump and shall set the rates to be charged for services rendered by ordinance and file the same in the office of the village clerk for public inspection during office hours. (Neb. Rev. Stat. §19-2101 thru 19-2106)

SECTION 7-406: TREE DUMP; RESTRICTED USE

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

SECTION 7-407: TREE DUMP; STATE REGULATIONS

The village shall apply for a license to operate the village dump. Application shall be made to the Department of Environmental Quality on forms provided by the department. No fee shall be charged for such licensing. Each license so issued shall expire five years following the date of issuance but may be renewed if the Village has complied with the provisions of Neb. Rev. Stat. §81-1501 to 81-1533 and the rules and regulations adopted thereunder. It shall be the duty of the utilities superintendent to comply with the rules and regulations prescribed by DEQ for the use and operation of the dump. (Neb. Rev. Stat. §81-1517, 81-1519)

Article 5 – Penal Provisions

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.