

TITLE V: PUBLIC WORKS

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CHAPTER 50: GENERAL REGULATIONS

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GENERAL PROVISIONS

§ 50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this village shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings. (Neb. RS 70-1601)

§ 50.02 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC SUBSCRIBER. Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature.

(Neb. RS 70-1602)

(B) No utility owned and operated by the village furnishing water, natural gas, or electricity at retail in the village shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility first gives written notice by mail to any subscriber whose service is proposed to be terminated at least 7 days prior to termination. As to any subscriber who has previously been

identified as a welfare recipient to the utility by the Department of Health and Human Services, the notice shall be by certified mail and notice of such proposed termination shall be given to the department. (Neb. RS 70-1603)

(C) Prior to the discontinuance of service to any domestic subscriber by a utility owned and operated by the village, the domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. A utility owned and operated by the village shall not be subject to Neb. RS 70-1608 to 70-1614, but the Board of Trustees shall establish a procedure to resolve utility bills when a conference is requested by a domestic subscriber. The procedure shall be in writing and a copy of such procedure 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. (Neb. RS 70-1604)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures. (Neb. RS 70-1607)

(E) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Neb. RS 70-1615)

§ 50.03 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person to do any of the following:

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of any village utility supplying such products or services, in such a manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

(2) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;

(3) To reconnect electrical, gas, or water service without the knowledge and consent of any village utility supplying such service if the service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or § 50.02 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or

registering the amount or quantity of electricity, electric current, gas, or water passing through it, without the knowledge and consent of any village utility supplying the electricity, electric current, gas, or water passing or intended to pass through the meter.

(B) Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where that connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. RS 28-515.02) Penalty, see § 10.99

§ 50.04 DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in Neb. RS 25-21,275 shall apply.

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

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

(a) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(b) Liquidated damages of \$750 if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under division (B)(2)(a) or (B)(2)(b) of this section, the utility may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. RS 25-1801.

(Neb. RS 25-21,276)

(C) (1) 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 that bypassing, tampering, or unauthorized metering if the tenant or occupant 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 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.

(2) 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 that 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. (Neb. RS 25-21,277)

(D) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws. 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. RS 25-21,278)

Penalty, see § 10.99

§ 50.05 DELINQUENT UTILITY CHARGES; LIEN; CIVIL ACTION.

(A) All water rates, taxes, or rent assessed by the Board of Trustees shall be a lien upon the premises or real estate, upon or 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 of Trustees shall by ordinance direct and provide.

(Neb. RS 17-538)

(B) All sewer charges established by the Board of Trustees shall be a lien upon the premises or real estate for which the same is used or supplied. Such lien shall be enforced in such manner as the Board or Trustees provides by ordinance.

(Neb. RS 17-925.01)

(C) If the service charge established by the Board of Trustees for the use of any village sewage disposal plant and sewerage system is not paid when due, such sum may be recovered by the village in a civil action or it may be certified to the County Assessor and assessed against the premises served and collected or returned in the same manner as other village taxes are certified, assessed, collected, and returned.

(Neb. RS 18-503)

(D) Unless the Board of Trustees otherwise provides, on June 1 of each year, the Village Clerk shall report to the Board a list of all unpaid accounts due for utilities service together with a description of the premises served. If the Board approves the report, the Clerk shall certify the report to the County Clerk to be collected as a special tax in the manner provided by law.

CHAPTER 51: GARBAGE REGULATIONS

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LICENSING

§ 51.01 LICENSE REQUIRED.

It shall be unlawful for any persons, corporations, or other legal entities to collect, haul, or convey wastes, refuse, garbage, rubbish, junk, hazardous waste, or solid waste (as those terms are defined under the laws of the State of Nebraska) for hire within the incorporated area of the village without first having procured a license to do so.

(Ord. 116, passed 10-5-1993) Penalty, see § 10.99

§ 51.02 APPLICATION FOR LICENSE.

(A) Application for a license to collect, haul or convey wastes, refuse, garbage, rubbish, junk, hazardous waste, or solid waste for hire shall be made to the Village Clerk-Treasurer upon application blanks furnished by the Village Clerk-Treasurer. The application blanks shall set forth the name and residence of the applicant, the business address of the applicant, the ownership of the vehicle or vehicles to be used, the number and kinds of vehicles to be used, with a definite description of each vehicle and any other information as may be required to satisfactorily identify the applicant and vehicles.

(B) The applicant shall pay to the Village Clerk-Treasurer the required license fee as hereinafter provided, at the time of the filing of his or her application.

(C) Before any license shall be issued, the applicant shall execute and file with the Village Clerk-Treasurer a bond in the sum of \$1,000 with 1 or more sufficient sureties thereon to be approved by the Village Board, conditioned that the applicant shall indemnify and save harmless the village from any damage or injury due to or on account of the act, neglect, fault or default of the applicant, and conditioned further that the applicant shall comply with all ordinances or regulations of the village and State of Nebraska respecting the collecting, hauling or conveying of wastes, refuse, garbage, rubbish, junk, hazardous waste, and solid waste.
(Ord. 116, passed 10-5-1993)

§ 51.03 DISPOSAL FACILITIES.

It shall be unlawful for any persons, corporations, or other legal entities licensed under this section, or any other persons, to haul or convey any solid waste generated within the corporate limits of the village to any facility or system (as those terms are defined under state law) with which the village, either alone or in combination with other cities, villages or counties, has not contracted for the safe and sanitary disposal of solid waste generated within the village's jurisdiction area.
(Ord. 116, passed 10-5-1993) Penalty, see § 10.99

§ 51.04 COOPERATION WITH CUSTOMERS FOR SERVICE.

All persons, corporations, or other legal entities licensed under this section shall cooperate with their customers in addition to services regarding the collection, hauling, and conveying of solid waste for services for curbside pickup of recyclable materials, yard waste, and discarded appliances.
(Ord. 116, passed 10-5-1993)

§ 51.05 COOPERATION IN FINDING OUTSIDE SOURCES.

All persons, corporations, or legal entities licensed under this section shall cooperate with their customers within the village in finding outside sources for the collection, hauling, conveying, and disposal of hazardous waste generated within the corporate limits of the village.
(Ord. 116, passed 10-5-1993)

§ 51.06 NOTICE OF RATE INCREASE.

All persons, corporations, or legal entities licensed under this section shall provide adequate notice of any rate increase and appear at a meeting before the Board of Trustees to review and justify the rate increase to the Board of Trustees and the public.
(Ord. 116, passed 10-5-1993)

§ 51.07 LICENSE FEE FOR COLLECTORS.

An annual license fee of \$25 shall be charged for each vehicle used in the collecting, hauling, and conveying of wastes, refuse, garbage, rubbish, junk, hazardous waste, or solid waste. All license fees shall be due and payable on January 2 of each year, and all licenses hereunder shall expire on December 31 following issuance.

(Ord. 116, passed 10-5-1993)

§ 51.08 LICENSE REVOCATIONS.

(A) The license of any person, corporation, or other legal entity licensed to collect, haul, or convey waste, refuse, garbage, rubbish, junk, hazardous waste, or solid waste within the village may be revoked by the Board of Trustees of the village for failure to comply with the provisions of § 51.07 of this subchapter.

(B) No revocation of license shall be made except on public hearing before the Board of Trustees after notice of the hearing, stating the reasons therefor, to the licensee of the time and date of the hearing by certified or registered mail.

(Ord. 116, passed 10-5-1993)

CHAPTER 52: WATER REGULATIONS

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MUNICIPAL WATER DEPARTMENT

§ 52.01 OPERATION AND FUNDING.

(A) The municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Board of Trustees, for the purpose of defraying the cost of the care, management and maintenance of the Municipal Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all the taxable property within the village. The revenue from this tax shall be known as the Water Fund and shall remain in the custody of the Village Clerk-Treasurer.

(B) The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his or her office. The Utilities 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 Board of Trustees.

(C) The Board of Trustees 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-Treasurer for public inspection at any reasonable time.

(Ord. 136, passed 9-5-2000)

Statutory reference:

General provisions, see Neb. RS 17-530 through 17-545

§ 52.02 DEFINITIONS.

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

MAIN. 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 municipality.

SEPARATE PREMISES. More than 1 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. Any pipe not to exceed a maximum inside diameter of 1 inch 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. Any pipe, not to exceed a maximum inside diameter of 1 inch, tapped into a main and extending from there to a point at or near the lot line of the consumer's premise where the shut-off, stop box, or curb cock is located.

(Ord. 136, passed 9-5-2000)

§ 52.03 CONSUMER'S APPLICATION.

(A) Every person or persons desiring a supply of water must make application therefor to the Village Clerk-Treasurer.

(B) The Village Clerk-Treasurer may require any applicant to make a service deposit in the amount of \$35.

(C) Water may not be supplied to any house or private service pipe except upon the order of the Utilities Superintendent.

(Ord. 136, passed 9-5-2000)

Statutory reference:

Similar provisions, see Neb. RS 17-537

§ 52.04 SERVICE TO NONRESIDENTS.

(A) The Water Department shall not supply water service to any person outside the corporate limits without special permission from the Board of Trustees; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer.

(B) Nothing herein shall be construed to obligate the municipality to provide water service to nonresidents.

(Ord. 136, passed 9-5-2000)

Statutory reference:

Similar provisions, see Neb. RS 19-2701

§ 52.05 WATER CONTRACT.

(A) The municipality, 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 municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a municipal commercial main is now or may hereafter be laid, and may also furnish water to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the Board of Trustees may see fit to do so.

(B) The rules, regulations, and water rates hereinafter named 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 present consumers thereof and the furnishing of water service to the consumer shall constitute a contract between the consumer and the municipality, to which contract both parties are bound. If the consumer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Board of Trustees may hereafter adopt, the Utilities Superintendent or his or her agent may cut off or disconnect the water

service from the building or premises or place of the violation. No further connection for water service to the building, premises, or place shall again be made except by order of the Superintendent or his or her agent.

(Ord. 136, passed 9-5-2000)

§ 52.06 WATER CONTRACTS NOT TRANSFERABLE.

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 move from the premises where service is furnished, or if the premises is 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 premises. If the consumer should fail to give this notice, he or she shall be charged for all water used on the premises until the Utilities Superintendent is otherwise advised of the circumstances.

(Ord. 136, passed 9-5-2000)

CONNECTIONS; ENFORCEMENT

§ 52.15 INSTALLATION PROCEDURE.

(A) 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 manner that will occasion the least inconvenience to the public and provide for adequate drainage.

(B) 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.

(C) 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.

(D) All installations or repairs of pipes require 1 inspection by the Utilities Superintendent. The inspection shall be made when connections or repairs are completed and before the pipes are covered. It is the customer's responsibility to notify the Superintendent at the time the work is ready for each inspection.

(E) All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for the installation by the Utilities Superintendent; provided that the rules, regulations, and specifications have been reviewed and approved by the Board of Trustees.

(Ord. 136, passed 9-5-2000)

§ 52.16 INSTALLATION EXPENSE.

(A) The consumer shall tap the water main. The consumer shall pay a tap fee of \$250 upon approval of the application for service. The consumer shall bear the cost of the installation and the pipe from the main to the place of disbursement. The cost of the installation of the stop box shall be paid by the consumer.

(B) The municipality shall supply the stop box if requested by the consumer. The cost of procuring and installing a 1-inch standard meter shall be paid by the municipality; the consumer shall pay the difference if a larger meter is desired.

(C) The consumer shall be required to pay the expense of procuring the services of a plumber, if needed, and shall pay the expense of furnishing and installing pipe trenching, and the necessary labor to bring water service from the water main to the place of disbursement.
(Ord. 136, passed 9-5-2000)

§ 52.17 REPAIRS AND MAINTENANCE.

(A) The customer at his or her own expense shall replace and keep in repair all service and supply pipe from the commercial main to the place of disbursement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent.

(B) All water meters shall be kept in repair by the municipality at the expense of the municipality. When meters are worn out, they shall be replaced and reset by the municipality at the expense of the municipality; provided that 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 Utilities Superintendent shall bill and collect from the customer the cost of the 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 the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running 2% or more fast, the expense of this test shall be borne by the municipality. The municipality reserves the right to test any water service meter at any time, and if the meter is found to be beyond repair, the municipality shall always have the right to place a new meter on the customer's water service fixtures at municipal 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, that if no such basis for comparison exists, the customer shall be charged an amount as may be reasonably fixed by the Utilities Superintendent.

(D) It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through the meter, or while passing through the meter, to cause the same to register inaccurately.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

Statutory reference:

Similar provisions, see Neb. RS 17-542

§ 52.18 SINGLE PREMISES.

(A) 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.

(B) It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through the meter to cause the meter to register inaccurately.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

§ 52.19 RESTRICTED USE.

The Board of Trustees 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 or other good and sufficient cause. The municipality 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 municipality has no control.

(Ord. 136, passed 9-5-2000)

§ 52.20 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 Municipal Fire Department under the orders of the Fire Chief, the Assistant Fire Chief, or members 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.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

§ 52.21 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 Municipal Water Department.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

Statutory reference:

Similar provisions, see Neb. RS 17-536

§ 52.22 MANDATORY HOOKUP.

All persons within 300 feet of a water main shall be required, upon notice by the Board of Trustees, to hook up with the municipal water system.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

Statutory reference:

Similar provisions, see Neb. RS 17-532

§ 52.23 INSPECTION.

The Utilities Superintendent, or his or her duly authorized agents, 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.

(Ord. 136, passed 9-5-2000)

§ 52.24 POLICE REPORTS.

It shall be the duty of the County Sheriff to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all the regulations.

(Ord. 136, passed 9-5-2000)

§ 52.25 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 Municipal 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.

(Ord. 136, passed 9-5-2000) Penalty, see § 10.99

§ 52.26 TIME OF WORK.

All taps or plumbing work done on or to the municipal water system shall be done between the hours of 8:00 a.m. and 5:00 p.m., unless an emergency situation exists.
(Ord. 136, passed 9-5-2000)

PROHIBITIONS**§ 52.40 UNSAFE PHYSICAL CONNECTIONS.**

(A) No customer or other person shall cause, allow, or create any physical connection between the municipal water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies, or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the municipal water distribution system.

(B) At least 1 time every 5 years, customers of the municipal water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the municipality on a form supplied by the municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Utilities Superintendent.
(Ord. 114, passed 7-6-1993) Penalty, see § 10.99

§ 52.41 WATER WELL REGULATIONS.

(A) Construction of a water well of any kind, whether a sand point, a well drilled by cable or by rotation, shall be prohibited within corporate limits, or within 1 mile of the corporate limits, unless the Village Board of Trustees has approved by a majority vote. The well constructor must obtain written permission of the Village Board of Trustees before constructing the well.

(B) The water well must be located and constructed according to Title 178, Nebraska Department of Health and Human Services Regulation and Licensure, Chapter 12 - Water Well Construction, Pump Installation, and Water Well Decommissioning Standards.

(C) *Wellhead Protection Area.*

(1) *Findings.*

(a) Neb. RS 17-1001 provides that the jurisdiction of such city or village to prevent any pollution or injury to the stream or source of water for the supply of such waterworks, shall extend 1 mile beyond its corporate limits.

(b) 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 1 mile of the village boundaries, and specifically within the following described parcel of real estate:

The West Half of Section Sixteen (16), Township Ten (10) North, Range Two (2) East of the 6th P.M., Seward County, Nebraska, and Section Seventeen (17), Township Ten (10) North, Range Two (2) East of the 6th P.M., Seward County, Nebraska.

(c) The village has asked the Nebraska Department of Environmental Quality to map a Wellhead Protection Area in 2004 consisting of the following area in which there exists the need for regulations regarding the location of existing and future potential sources of pollution or injury to the public water supply of the village.

(d) This contains all the lands within these boundaries of this wellhead area. It will be called the Wellhead Protection Area.

(2) *Definitions.*

WATER WELL. 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.

WELLHEAD PROTECTION AREA. 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.

(3) *Prohibitions.*

(a) 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. Drilling and operation of wells and other underground facilities or contaminating facilities without permit is unlawful. All facilities existing on the effective date of this division (C) shall be exempt from the requirement of this division, subject to the conditions set out in division (C)(6) below.

(b) *The Manual of Water Well Construction Practices*, published by the United States 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 State Department of Health as guidelines for water system design, are hereby adopted. The Nebraska Department of Health, Title 179, Chapter 2, Attachment 1, set these guidelines for water system design. The minimum recommended horizontal distance in feet separating the municipal water well from potential sources of contamination should be as described below:

All water wells, including, but not limited to, domestic supply wells, irrigation wells, stock wells, sand point wells, and heat pump wells.	1,000 feet
Sewage lagoon.	1,000 feet
Absorption or disposal field for water.	500 feet
Cesspool.	Prohibited
Septic tank.	500 feet
Dumping grounds.	Prohibited
Feedlot or feedlot runoff.	500 feet
Livestock corral or barn.	500 feet
Chemical product storage facility.	500 feet
Petroleum product storage facility.	500 feet
Pit toilet.	Prohibited
Sanitary landfill.	Not allowed inside a wellhead protection area
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
Sanitary sewer line (permanently water tight).	10 feet

(c) *Procedure to obtain permit.* Should any person, corporation or other legal entity desire to obtain a permit to drill and/or operate any of the facilities described in division (C)(3)(b) above, the owner of real property on which the proposed facility is to be located must complete and submit an application to the Village Clerk.

(4) The placing, constructing or replacing of any structure or activity as set forth in division (C)(3) above shall not be permitted, after the effective date of this division (C), unless a permit approved by the Village Board of Trustees has been obtained.

(5) The Chairman and Board of Trustees may approve the placement, construction or replacement of a division (C)(3)(b) 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.

(6) Division (C)(3)(b) structures or activities in existence in the Wellhead Protection Area as of the effective date of this division (C) shall continue to be permitted unless such continued existence or use is determined by the Board of Trustees 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 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 division (C)(7) against said owner and/or the structure or activity.

(7) Any person found in violation of any provision of this division (C) shall be subject to a fine, not to exceed \$100. The continuation of a violation shall be deemed an additional offense for every 24 hours of such continued violation. 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.

(D) *Wellhead Protection Plan.*

(1) *Definitions.* **WELLHEAD PROTECTION AREA** means 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.

(2) The Village Board designates a Wellhead Protection Plan for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area are set forth in division (C) above as adopted by Ordinance No. 166 on May 5, 2009 based on the Wellhead Protection Area map drawn by the Nebraska Department of Environmental Quality in September 2004.

(Ord. 94, passed 2-2-1988; Am. Ord. 166, passed 5-5-2009; Am. Ord. 167, passed 6-2-2009)

§ 52.42 LEAD PIPES, SOLDER AND FLUX PROHIBITED.

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

(B) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LEAD FREE.

(a) Solders and flux, not more than 0.2% lead; and

(b) Pipe and pipe fittings, not more than 8% lead.

(Ord. 102, passed 2-8-1989)

Statutory reference:

Similar provisions, see Neb. RS 71-5301 and 71-5301.01

CHARGES AND RATES

§ 52.55 FEES AND COLLECTIONS.

(A) (1) The Board of Trustees 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 these fees shall be on file for public

inspection at the office of the Village Clerk-Treasurer. Other than the normal quarterly rates as may be fixed by the Board of Trustees, no flat rates for water service shall be quoted or allowed by the Board of Trustees.

(2) No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type.

(B) Persons, firms, or corporations desiring to use water temporarily shall pay rates as the Utilities Superintendent, with the approval of the Board of Trustees, shall set. Without respect to schedule of rates for other customers, the Board of Trustees may enter into special contracts with large consumers of water, but never at a rate less than the cost of production; provided, that the contract shall always provide that the large consumer shall always pay the minimum rate for other customers and the contract shall be made on the basis of water consumed in excess of this minimum.

(C) A meter shall always be attached to the water service of the contract consumer and read monthly as in the case of other classes of water consumers.

(D) Water service furnished to the other departments of the municipality and to other governmental subdivisions of the State of Nebraska shall be measured and billed for at rates as the Board of Trustees shall set from time to time without respect to the schedule of rates on file at the office of the Village Clerk-Treasurer, but never at rates that do not cover the cost of providing water.

(E) Whenever water service is supplied to more than 1 customer through the same supply pipe, each customer shall pay the minimum water service charge each month. In the event that 2 or more customers are supplied through the same meter or tap, the owner of the premises shall pay for all water consumed thereon plus separate minimums. One bill only shall be computed for each meter or tap.

(Ord. 136, passed 9-5-2000)

§ 52.56 MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water rental until the water is turned on again.

(Ord. 81, passed 8-3-1981; Am. Res. 108, passed 11-6-1996; Am. Ord. 136, passed 9-5-2000)

Statutory reference:

Similar provisions, see Neb. RS 17-542

§ 52.57 BILLS DUE AND PAYABLE; DELINQUENT ACCOUNTS.

(A) Water bills shall be due and payable quarterly at the office of the Village Clerk-Treasurer. It shall be the duty of the customers of the Water Department to present themselves quarterly at the office of the Village Clerk-Treasurer to pay their bills in good funds. The Utilities Superintendent shall direct the Village Clerk-Treasurer to charge and collect from each customer the amount due the Water Department.

(B) Bills shall be due and payable on the first day of each quarter (April, July, October, January). Bills not paid by the twentieth day of each quarter shall be deemed to be delinquent.

(C) Upon being deemed to be delinquent, as herein defined, the Village Clerk-Treasurer shall send a shut-off notice by first class mail or in person, warning that service shall be discontinued 7 days from the date of the shut-off notice. An administrative fee of \$5 shall be assessed to the delinquent account and payable by the customer in addition to the amount of the delinquent amount. It shall be the duty of the Superintendent to cut off service on the specified date if payment in full of the delinquent amount and the administrative fee is not received by the Village Clerk-Treasurer; provided, if the delinquent customer is a known welfare recipient, it shall also be the duty of the Village Clerk-Treasurer to notify the customer and the Department of Health and Human Services, local county office, by certified mail of the proposed termination.

(D) The Village Clerk-Treasurer shall assess an additional fee of \$15 in the event that water is shut off for the nonpayment of any water bill, to compensate the municipality for the additional hookup necessary to again provide water service to the delinquent customer.

(Ord. 111, passed 6-2-1992; Am. Ord. 121, passed 8-1-1995; Am. Ord. 172, passed 12-2-2014)

§ 52.58 RESTORATION OF WATER SERVICES AFTER VOLUNTARY DISCONTINUANCE.

Water service will be discontinued only upon the written request of the owner of the real estate which utilizes the service, submitted to the Village Utility Superintendent or the Village Clerk at least 7 days in advance of the requested date of discontinuance. If the owner thereafter requests that the water service be restored to the same real estate, a service fee of \$15 shall be paid by the owner in advance. The request for restoration of water services shall be submitted in writing to the Village Utility Superintendent or Village Clerk at least 2 days prior to the requested date for restoration of services. All restoration of water service shall be made by the village only during Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m.

(Ord. 169, passed 6-2-2010; Am. Ord. 173, passed 12-2-2014)

APPENDIX A: PROCEDURAL POLICIES FOR UTILITY DISCONNECTION

(A) *Right to disconnect.* The Village of Goehner may disconnect utility service for any of the following reasons or for any other reason permitted by federal, state, or municipal law:

- (1) Failure to meet the applicable provisions by law;
- (2) Violation of the ordinances or regulations pertaining to utility service;
- (3) Nonpayment of past or present utility bills;
- (4) Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliances, or otherwise;
- (5) Molesting any meter, seal, or other equipment controlling or regulating the supply of utility service;
- (6) Theft or diversion and/or use of service without payment therefor; or
- (7) Vacancy or abandonment of premises.

(B) *Delinquent bills.*

- (1) All bills for utility service are due and payable the day they are placed in the mail.
- (2) Bills are due and payable on the first day of each quarter (April, July, October, January).
- (3) Bills not paid by the twentieth day of each quarter shall be deemed to be delinquent.
- (4) Upon being deemed delinquent the Village Clerk-Treasurer shall send a shut-off notice to the domestic subscriber as provided herein.

(C) *Serving disconnect notice.* Before disconnection of utility service, the village shall give notice by first class mail or in person to the domestic subscriber whose utility service is to be disconnected. If notice is given by first class mail, the mail shall be conspicuously marked as to its importance. The village also has available to domestic subscribers third party notice whereby the village will serve the notice of disconnection on the designated third party by mail. Any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Social Services, shall be served notice by certified mail and notice of the proposed termination shall be given to the Department of Social Services.

(D) *Contents of disconnect notice.*

- (1) The reason for the proposed disconnection;

(2) A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;

(3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

(4) The name, address and telephone number of an employee designated by the village to whom the domestic subscriber may address an inquiry or complaint.

(5) A statement explaining that the domestic subscriber has a right, prior to the disconnection date, to request a conference with the Village Board of Trustees regarding any dispute over the proposed disconnection.

(6) A statement that the village may not disconnect utility service until the conference is concluded.

(7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within the subscriber's household has an existing illness or handicap which would cause the subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. The certificate must be filed with the village within 5 days of receiving notice of disconnection and will prevent the disconnection of utility service for a period of 30 days from the filing. Only 1 postponement of disconnection shall be allowed for each incidence of non-payment of any due account.

(8) A list of all moneys that must be remitted to the village for reconnection, including any reconnect charges and payment of all past due accounts.

(9) A statement explaining that the domestic subscriber may arrange with the village for an installment payment option.

(10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard.

(E) *Conference with utility domestic subscriber.*

(1) Upon a written request by a customer for a conference, the village shall:

(a) Schedule a conference at the next regularly scheduled meeting of the Village Board of Trustees; and

(b) Notify the domestic subscriber in writing of the time, place and date scheduled for the conference.

(2) The conference shall be informal and not governed by Nebraska Rules of Evidence.

(3) Failure by the customer to attend the conference shall relieve the village of any further action prior to the disconnection of the utility service.

(4) The domestic subscriber may, prior to the scheduled conference, give good and sufficient reason that he or she will be unable to attend the conference at the appointed date and time. The village shall make a reasonable effort to reschedule the conference.

(5) The Village Board of Trustees shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any part of the disconnection notice which is a result of a disputed billing. The village shall also allow disconnection of utility service only when all less drastic remedies have been exhausted.

(6) If the Village Board of Trustees determines at the conference that the domestic subscriber did not receive proper notice or was denied any other legal right, the Village Board of Trustees shall continue the conference at such time as the subscriber has been afforded his or her rights.

(G) *Repairs.* Interruptions of service or disconnections made pursuant to repair, maintenance, health or safety reasons shall not constitute a disconnection for the purposes of this procedural policy. (Ord. 111, passed 6-2-1992)

CHAPTER 53: SEWER REGULATIONS

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ADMINISTRATION

§ 53.01 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

(A) The municipality owns and operates the municipal sewer system through the Utilities Superintendent.

(B) For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the municipality, the Board of Trustees may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the municipality. The revenue from the tax shall be known as the Water and Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.

(C) The Utilities Superintendent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and 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 Board of Trustees.

(Ord. 137, passed 9-5-2000)

Statutory reference:

General provisions, see Neb. RS 18-501 et seq.

Taxing authorities, see Neb. RS 17-925.01

§ 53.02 DEFINITIONS.

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

BIOLOGICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C., expressed in parts per million by weight.

BUILDING OR HOUSE DRAIN. That part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

BUILDING OR HOUSE SEWER. That part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

GARBAGE. Solid wastes from the preparation of cooking and dispensing of food and produce.

LOCAL VENTILATING PIPE. Any pipe through which foul air is removed from a room or fixture.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING FIXTURES. Receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

PROPERLY SHREDDED. Shredding to the degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than 1/2 inch in diameter.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. 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.

SEWER SYSTEM. All facilities for collecting, pumping, treating, and disposing of sewage.

SOIL PIPE. Any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

STORM SEWER. A sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by filtering.

TRAP. A fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TRAP SEAL. The vertical distance between the crown weir and the dip of the trap.

VENT PIPE. Any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

WASTE PIPE. Any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe, or waste stack.
(Ord. 137, passed 9-5-2000)

§ 53.03 APPLICATION FOR CONNECTION.

Any person wishing to connect with the sewer system shall make an application therefor to the Village Clerk-Treasurer. The Clerk-Treasurer may require any applicant to make a service deposit in an amount as has been set by resolution or ordinance of the Board of Trustees and placed on file at the

office of the Village Clerk-Treasurer. Sewer service may not be supplied any house or building except upon the order of the Utilities Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Board of Trustees; provided, that the entire cost of pipe and other installation charges shall be paid by the consumers. Nothing herein shall be construed to obligate the municipality to provide sewer service to nonresidents.

(Ord. 137, passed 9-5-2000)

Statutory reference:

Authority to serve beyond corporate limits, see Neb. 19-2701

§ 53.04 SERVICE TO NONRESIDENTS.

Any person whose premises is located outside the corporate limits of the municipality and who desires to install a house or building sewer that will be connected with the municipal sewer system, shall file a written application with the Village Clerk-Treasurer for a permit for the connection and setting forth the name of the owner, occupant, or lessee of the premises, the use to which the premises is devoted, and any other information as the Board of Trustees may require.

(Ord. 137, passed 9-5-2000)

§ 53.05 SEWER CONTRACT.

(A) The municipality, through the Municipal Sewer Department, shall furnish sewer services 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 municipality may furnish sewer service to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the Board of Trustees may see fit to do so.

(B) The rules, regulations, and sewer rental rates hereinafter named in this chapter shall be considered a part of every application hereafter made for sewer 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 of sewer service by present consumers thereof shall constitute a contract between the customer and the municipality, to which contract both parties are bound.

(C) If the consumer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Board of Trustees may hereafter adopt, the Utilities Superintendent or his or her agent may cut off or disconnect the sewer service from the building or premises of the violation. No further connection for sewer service to the building, premises, or place shall again be made save or except by order of the Superintendent or his or her agent.

(Ord. 137, passed 9-5-2000)

§ 53.06 MANDATORY HOOKUP.

(A) Upon written notice by the Utilities Superintendent the property owner, occupant, or lessee of any premises within 300 feet of any sewer main shall without delay cause the building to be connected with the sewer system and equipped with inside sewerage facilities. Every building hereafter erected shall be equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the sewer system at the time of its construction.

(B) In the event that any property owner, occupant, or lessee shall neglect, fail or refuse, within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the municipality, to make this connection, the Board of Trustees 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.

(Ord. 137, passed 9-5-2000)

§ 53.07 DIRECT CONNECTIONS.

Each and every building must make a direct connection with the main sewer line. Under no circumstances will 2 or more houses be allowed to make the connections through 1 pipe.

(Ord. 137, passed 9-5-2000)

§ 53.08 SERVICE CONTRACTS.

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 premises is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the premises. 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 the circumstances.

(Ord. 137, passed 9-5-2000)

CONNECTIONS AND PROHIBITIONS; ENFORCEMENT

§ 53.20 INSTALLATION PROCEDURE.

(A) 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 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. After the 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.

(B) All installations or repairs of pipes require 2 inspections by the Utilities Superintendent. The first inspection shall be made when connections or repairs are complete and before the pipes are covered. The inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the Utilities Superintendent at the time the work is ready for each inspection.

(C) All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for the installation prescribed by the Utilities Superintendent; provided that the rules, regulations, and specifications have been reviewed and approved by the Board of Trustees. (Ord. 137, passed 9-5-2000)

§ 53.21 INSTALLATION EXPENSE.

The customer, upon approval of his or her application for sewer service, shall pay the Village Clerk-Treasurer a tap fee in the amount of \$500. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a plumber, if needed, and shall pay all other costs of tapping the sewer main and installation of the sewer line. (Ord. 137, passed 9-5-2000)

§ 53.22 REPAIRS AND MAINTENANCE.

The municipality shall repair or replace, as the case may be, 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 Utilities Superintendent; provided, that the same have been previously approved by the Board of Trustees.

(Ord. 137, passed 9-5-2000)

Statutory reference:

Similar provisions, see Neb. RS 18-1748

§ 53.23 CLASSIFICATION.

The Board of Trustees may classify for the purpose of rental fees the customers of the Municipal Sewer Department; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(Ord. 137, passed 9-5-2000)

§ 53.24 OLD HOUSE SEWERS.

Old house 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, he or she shall notify the owner to make the necessary changes to conform with the provisions of this Municipal Code.

(Ord. 137, passed 9-5-2000)

§ 53.25 UNLAWFUL DISCHARGES.

(A) It shall be unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer.

(B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the municipal sewer system:

- (1) Liquids or vapors having a temperature higher than 150°F;
 - (2) Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease;
 - (3) Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas;
 - (4) Garbage that has not been properly shredded;
 - (5) Sand, mud, metal, rags, paper, or other solid or viscous substance capable of causing obstruction to the flow in the sewer system;
 - (6) Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals, or fish, or create any hazard in the receiving area of the sewage treatment plant;
 - (7) Suspended solids of a character and quantity that unusual attention or expense is required to handle the materials;
 - (8) Waters or wastes having a pH lower than 5.5 or higher than 9.0, or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department; or
 - (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (Ord. 137, passed 9-5-2000) Penalty, see § 10.99

§ 53.26 SPECIAL EQUIPMENT; INTERCEPTORS.

(A) In the event a customer of the Municipal 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 customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within the maximum limits as he or she shall prescribe subject to the review of the Board of Trustees. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense.

(B) Nothing herein shall be construed to prohibit a special agreement or arrangement between the Board of Trustees and an industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment subject to additional rental fees or other fees or other charges.

(Ord. 137, passed 9-5-2000)

§ 53.27 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.

(Ord. 137, passed 9-5-2000) Penalty, see § 10.99

§ 53.28 INSPECTIONS.

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

(Ord. 137, passed 9-5-2000)

§ 53.29 COMPLAINTS.

Any consumer feeling himself or herself aggrieved by reason of any controversy with the Utilities Superintendent may appear before the Board of Trustees and present his or her grievance. Any consumer who considers himself or herself aggrieved by being required to pay the charge demanded for the use of the sewer, or for the resumption of sewer service after the same shall have been shut off, shall pay the charge under protest, in which event the Village Clerk-Treasurer shall write on the receipt given the customer the words, "Paid Under Protest." The consumer may then present his or her verified claim in the manner provided for presenting claims to the Board of Trustees for a refund of the amount so paid under protest. These claims shall then be considered by the Board of Trustees in the same manner as other claims against the municipality.

(Ord. 137, passed 9-5-2000)

RATES AND CHARGES

§ 53.40 RATE SETTING.

Customers of the Municipal Sewer Department shall be charged a rate for the use of sewer service as shall be set, from time to time, by ordinance and which shall be on file at the office of the Village Clerk-Treasurer for public inspection at any reasonable time.

(Ord. 82, passed 8-3-1981; Am. Res. 108, passed 11-6-1996; Am. Ord. 137, passed 9-5-2000)

§ 53.41 SPECIAL RATES AUTHORIZED.

When, in the judgment of the Mayor and the City Council, by reason of special conditions, the application of the rates set by ordinance would be inequitable or unfair to either the municipality or the consumer or when the character of the sewerage system greater than that imposed by the average sewage delivered to the sewage plant, a special rate may be established by contract, resolution, or ordinance duly passed and approved by the Mayor and City Council.

(Ord. 137, passed 9-5-2000)

§ 53.42 FEES AND COLLECTIONS.

The Board of Trustees has the power and authority to fix the rates to be paid by the customers of the sewer system. All rates shall be on file for public inspection at the office of the Village Clerk-Treasurer.

(Ord. 137, passed 9-5-2000)

