

## **TITLE V: PUBLIC WORKS**

Chapters:

- 50. GENERAL PROVISIONS**
- 51. GARBAGE AND REFUSE**
- 52. WATER**
- 53. SEWERS**

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## CHAPTER 50: GENERAL PROVISIONS

### Sections:

- 50.01 Denial of Service; when Prohibited
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- 50.03 Discontinuance of Service; Notice Procedure
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### **§ 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 municipality 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 UTILITY BILLS; COLLECTION.**

Charges for utility services provided by or through the village shall be billed jointly on a monthly basis. The Utilities Superintendent shall read, or cause to be read, water meters during the last week of each month. Utility bills shall be mailed on or about the first (1st) day of each month, and shall be due and payable by the fifteenth (15th) day of each month. Bills not paid by the fifteenth (15th) day of each month shall be deemed to be delinquent and a monthly "late fee" equal to 10% of the amount due shall be charged against each such delinquent account. Upon being deemed to be delinquent, as herein provided, the village may discontinue service pursuant to § 50.03. Once discontinued, service shall not be recommenced except upon payment in full of all delinquent charges and late fees and upon further payment of a reconnection fee in the amount of twenty-five (\$25) dollars. The village may also take any action authorized by law to effect collection of the delinquent charges and late fees.  
(Ord. 2001-11.1, passed 11-12-2001, Am. Ord. 2006-10.2 § 1, passed 10-16-2006)

### **§ 50.03 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.**

(A) The municipality shall have the right to discontinue utility services and remove its properties if the charges for the services are not paid within 7 days after the date that the charges become delinquent. Before any termination, the municipality shall first give notice by first-class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first-class mail, the mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least 7 days, weekends and holidays excluded, after notice is sent or given. As to any subscriber who has previously been identified as a welfare recipient to the municipality by the Department of Health and Human Services, the notice shall be by certified mail, and notice of the proposed termination shall be given to the Department of Health and Human Services.

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(B) Prior to the discontinuance of service to any domestic subscriber by the municipality, the domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. The Board of Trustees has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, 3 copies of which are on file in the office of the Village Clerk/Treasurer, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full. A copy of the 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 municipality for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.  
(Ord. 1997-8.14, passed 8-11-1997)

### ***Statutory reference:***

*Utility Discontinuance Regulated, See Neb. RS 70-1602, et seq.*

### **§ 50.04 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.**

(A) It is an offense for any person:

(1) To connect any pipe or conduit supplying water, without the knowledge and consent of the municipality, in the manner that any portion thereof may be supplied to any instrument by or at which 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 water obtained unlawfully pursuant to this section;

(3) To reconnect water service without the knowledge and consent of the municipality if the service has been disconnected pursuant to Neb. RS 70-1601 to 70-1615 or § 50.03; 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 water passing through it, without the knowledge and consent of the municipality.

(B) Proof of the existence of any 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 the connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. RS 28-515.02) (1994 Code, § 3-305) Penalty, See § 10.99

### **§ 50.05 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 municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when the act results in damages to a municipal utility. The municipality may bring a civil action for

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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 municipality 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 divisions (B)(2)(a) or (B)(2)(b), the municipality 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 the 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 the 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) (1994 Code, § 3-303)

### **Statutory reference:**

*Definitions Related to Diversion of Utility Services, See Neb. RS 86-331.01*

### **§ 50.06 LIEN.**

In addition to all other remedies, if a customer shall for any reason remain indebted to the municipality for utilities service furnished, the 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/Treasurer 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 Village Clerk/Treasurer to report to the Board of Trustees a list of all unpaid accounts due for utilities service together with a description of the premises served. The report shall be examined

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and, if approved by the Board of Trustees, shall be certified by the Village Clerk/Treasurer to the County Clerk to be collected as a special tax in the manner provided by law.  
(1994 Code, § 3-304)

***Statutory reference:***

*Assessments Authorized, See Neb. RS 18-503*

*Lien Authorized for Water and Sewer Delinquency, See Neb. RS 17-538 and 17-925.01*

### **§ 50.07 CONNECTION FEES; GENERALLY.**

The Board of Trustees shall, by resolution, establish separate connection fees to be charged to anyone who makes application to connect to the municipal water system, the municipal sanitary sewer system, or both the municipal water and sanitary sewer system. The Board of Trustees may, by Resolution, establish fees to be charged against anyone who makes a request to disconnect from or reconnect to the municipal water system or to transfer the sewer and water service to another person or user. The resolutions shall be placed on file in the office of the Village Clerk/Treasurer and be available for public inspection during regular business hours. All the fees shall be payable to the Village of Bennet and shall be in addition to all other fees and costs charged by the village or incurred by the applicant for connection, reconnection, or disconnection to or from the municipal utility systems, or either of them.

(Ord. 1999-7.6, passed 9-15-1999)

## CHAPTER 51: GARBAGE AND REFUSE

### Section

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51.03	Dead Animals
51.04	Collection; Authority
51.05	Collection; Notice and Removal
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51.07	Collection; Lien
51.08	Municipal Garbage Disposal Facility; User Fees

### § 51.01 DEFINITIONS.

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

**GARBAGE.** Kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

**RUBBISH** or **TRASH.** 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 municipality.

**WASTE.** Cinders, ashes, plaster, brick, stone, sawdust, or sand.  
(1994 Code, §§ 4-301 through 4-303)

### § 51.02 PROHIBITION.

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the municipality, 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 municipality unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly air-tight as may be practical. 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. 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 Board of Health. 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 container that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week.  
(Neb. RS 19-2106) (1994 Code, § 4-304) Penalty, See § 10.99

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### **§ 51.03 DEAD ANIMALS.**

All dead animals shall be immediately removed and buried by the owner of such animals; and if the owner of the animal cannot be found within 2 hours after discovering the same, then the animal shall be removed by and at the expense of the municipality. Dead animals shall not be buried within the corporate limits of the municipality, nor in or above the course of ground water that is used for drinking purposes by the municipality or its inhabitants.  
(Neb. RS 17-207) (1994 Code, § 4-305)

### **§ 51.04 COLLECTION; AUTHORITY.**

The Board of Trustees may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The municipality may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys.  
(Neb. RS 18-1303) (1994 Code, § 4-306)

### **§ 51.05 COLLECTION; NOTICE AND REMOVAL.**

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. The notice shall be provided by personal service or by certified mail. After providing the notice, the municipality through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot or land and streets, roads, or alleys.  
(Neb. RS 18-1303) (1994 Code, § 4-307)

### **§ 51.06 COLLECTION; NUISANCE.**

If the Chairperson declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the municipality shall remove the garbage or refuse, or cause it to be removed, from such lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with § 51.05 if such garbage or refuse has not been removed.  
(Neb. RS 18-1303) (1994 Code, § 4-308)

### **§ 51.07 COLLECTION; LIEN.**

Whenever the municipality removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this chapter, it shall, after a hearing conducted by the Board of Trustees, assess the cost of the removal against such lot or land.  
(Neb. RS 18-1303) (1994 Code, § 4-309)

### **§ 51.08 MUNICIPAL GARBAGE DISPOSAL FACILITY; USER FEES.**

(A) The fees for use of the garbage disposal facilities, garbage compactor and waste disposal area of the municipality by residents and non-residents of the municipality shall be established by resolution of the Board of Trustees and such resolution shall be placed on file in the office of the Village Clerk/Treasurer and be available for public inspection during regular business hours.



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(B) The Village Clerk/Treasurer shall be charged with the duty to bill and collect all such user fees in a timely manner.  
(1994 Code, § 4-310) (Ord. 1998-4.3, passed 4-13-1998)

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## CHAPTER 52: WATER

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### **§ 52.01 DEFINITIONS.**

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

**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.

**SUPPLY PIPE.** Any pipe 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.

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***SERVICE PIPE.*** 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 premise where the water is to be dispersed.

***SEPARATE PREMISE.*** More than 1 consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building, or structure used for a separate business.  
(1994 Code, § 3-102)

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#### **§ 52.15 CONSUMER'S APPLICATION.**

Every person or persons desiring a supply of water must make application therefor to the Village Clerk/Treasurer. The Village Clerk/Treasurer may require any applicant to make a service deposit in such amount as has been set by the Board of Trustees and placed on file at the office of the Village Clerk/Treasurer. Water may not be supplied to any house or private service pipe except upon the order of the Utilities Superintendent.  
(Neb. RS 17-537) (1994 Code, § 3-103)

#### **§ 52.16 SERVICE TO NON-RESIDENTS.**

The 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. Nothing herein shall be construed to obligate the municipality to provide water service to non-residents.  
(Neb. RS 19-2701) (1994 Code, § 3-104)

#### **§ 52.17 WATER CONTRACT.**

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. 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 the 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 premise or place of the violation. No further connection for water service to the building, premise, or place shall again be made except by order of the Utilities Superintendent or his or her agent.  
(1994 Code, § 3-105)

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### § 52.18 INSTALLATION.

(A) *Procedure.* In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, 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. All installations or repairs of pipes require an 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 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 Utilities Superintendent; provided that the rules, regulations, and specifications have been reviewed and approved by the Board of Trustees.

(Neb. RS 17-537) (1994 Code, § 3-106)

(B) *Expense.* An applicant for water service shall accompany his or her application with a water permit and inspection fee in an amount set by resolution of the Board of Trustees and on file in the office of the Village Clerk/Treasurer. Upon the filing of the application and payment of the water permit and inspection fee, a permit will be issued to bring water service from the stop box, to be located at or near the property line, to and upon the applicant's premises. No person, except the Utilities Superintendent or his or her designated agent, shall tap the commercial mains of the municipality or insert ferrules therein. All costs and expense incident to the installation and connection of the water line from the existing commercial mains shall be borne by the applicant.

(Neb. RS 17-542) (1994 Code, § 3-107) (Ord. 1998-4.2, passed 4-13-1998) Penalty, See § 10.99

### § 52.19 REPAIRS AND MAINTENANCE.

The municipality shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. 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. 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 the 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

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such amount as may be reasonably fixed by the Utilities Superintendent. 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.

(Neb. RS 17-537) (1994 Code, § 3-108) Penalty, See § 10.99

### **§ 52.20 FEES AND COLLECTIONS.**

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 fees shall be on file for public inspection at the office of the Village Clerk/Treasurer. No flat rates for water service shall be quoted or allowed by the Board of Trustees. No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type. Persons, firms, or corporations desiring to use water temporarily shall pay such 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 the minimum. A meter shall always be attached to the water service of the contract consumer and read as in the case of other classes of water consumers. Water service furnished to the other departments of the municipality and to other governmental subdivisions of the state shall be measured and billed for at such 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. One bill only shall be computed for each meter.

(Neb. RS 17-540) (1994 Code, § 3-109) (Ord. 2000-1.1, passed 3-13-2000)

### **§ 52.20.5 SEPARATE PREMISES; PAYMENT BY OWNER; WATER SERVICE FEE FOR EACH SEPARATE PREMISE.**

Whenever water service is supplied to separate premises as defined in Section 52.01 of the Code of Bennet, the owner of the premises shall pay for the total amount of water used by all consumers receiving water through the same supply or service pipe and measured by the same meter, at the applicable water usage rate as established from time to time by the Board of Trustees. In addition, the owner shall pay one applicable minimum water rate per month plus an additional minimum water service fee of ten (\$10) dollars per month for each additional separate premises receiving water through the same supply or service pipe and measured by the same meter.

(Ord. 2006-10.2 § 2, passed 10-16-2006)

### **§ 52.21 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 he or she shall not be liable thereafter for water rental until the water is turned on again.

(Neb. RS 17-542) (1994 Code, § 3-110)

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### § 52.22 SINGLE PREMISE.

No consumer shall supply water to other families, or allow them to take water from his or her premise, 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 premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through the meter to cause the meter to register inaccurately.  
(Neb. RS 17-537) (1994 Code, § 3-111) Penalty, See § 10.99

### § 52.23 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 premise 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.  
(Neb. RS 17-537) (1994 Code, § 3-112)

### § 52.24 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 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.  
(1994 Code, § 3-113) Penalty, See § 10.99

### § 52.25 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. RS 17-536) (1994 Code, § 3-114) Penalty, See § 10.99

### § 52.26 MANDATORY HOOK-UP.

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.  
(Neb. RS 17-539) (1994 Code, § 3-115)

### § 52.27 WATER SERVICE CONTRACTS.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the premise 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 premise. If the consumer should fail to give such notice, he or she shall be

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charged for all water used on the premise until the Utilities Superintendent is otherwise advised of such circumstances.  
(Neb. RS 17-537) (1994 Code, § 3-116)

### **§ 52.28 INSPECTION.**

The Utilities Superintendent, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise 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. RS 17-537) (1994 Code, § 3-117)

### **§ 52.29 POLICE REPORTS.**

It shall be the duty of the Village Police 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 such regulations.  
(1994 Code, § 3-118)

### **§ 52.30 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.  
(1994 Code, § 3-119) Penalty, See § 10.99

### **§ 52.31 TIME.**

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 6:00 p.m.  
(Neb. RS 17-537) (1994 Code, § 3-120)

### **§ 52.32 BACKFLOW.**

(A) *Devices required.*

(1) 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.

(2) The customer shall make application to the Utilities Superintendent to install a required backflow prevention device on a form provided by the municipality. The application shall contain at a minimum the name and address of the applicant, the potential hazard, the type of protection required and the type of backflow device to be installed including brand and model number.



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(3) The Utilities Superintendent shall approve or disapprove the application based on his or her opinion of whether the installation will protect the Water Distribution system from potential backflow and backsiphonage hazards.

(4) 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 municipality if applicable.

(5) The customer shall also certify to the municipality at least 1 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. The certification shall be made on a form available at the office of the Village Clerk/Treasurer.

(6) Any decision of the Utilities Superintendent may be appealed to the Board of Trustees.  
(1994 Code, § 3-121)

(B) *Hazards; customer assessment.*

(1) No customer or other person shall cause, allow, or create any physical connection between the 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 water distribution system.

(2) 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.  
(1994 Code, § 3-122)

## ***WATER RATES AND CHARGES***

### **§ 52.45 RATES.**

All water consumers shall pay the following rates for the use of water from the Water Department:

(A) *Residential rate.*

(1) The residential rate shall be applicable when the building, premises or place receiving water service is located within the corporate limits of the village and is used for dwelling or family living purposes.

(2) The residential water rate shall be a minimum of \$28.50 per calendar month plus \$5.60 per 1,000 gallons of water or any portion thereof used during the month.

(B) *Non-residential rate.*

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(1) The non-residential rate shall be applicable when the building, premises or place receiving water service is located within the corporate limits of the village and is used for commercial, industrial, institutional or other non-residential purposes.

(2) The non-residential water rate shall be a minimum of \$28.50 per calendar month plus \$5.60 per 1,000 gallons of water or any portion thereof used during the month.

(C) *Non-resident rate.*

(1) The non-resident rate shall be applicable to all buildings, premises or places receiving water service from the village which are located outside the corporate limits of the village.

(2) The non-resident water rate shall be a minimum of \$34.50 per calendar month plus \$5.60 per 1,000 gallons or any portion thereof used during the month.

(D) *Bulk rate.*

(1) The bulk rate shall be applicable to those persons or entities who occasionally purchase water from the village after obtaining a permit to do so from the Utilities Superintendent or Village Clerk/Treasurer.

(2) The bulk rate shall be \$1.75 per 100 gallons or any portion thereof so purchased.

(Ord. 2000-1.2, passed 1-10-1999, Am. Ord. 2008-10.1, passed 12-8-2008)

## CHAPTER 53: SEWERS

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## **GENERAL PROVISIONS**

### **§ 53.01 DEFINITIONS.**

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

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**BOD (denoting biochemical 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 milligrams per liter.

**BUILDING DRAIN.** The 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 (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** A sewer receiving both surface runoff and sewage.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other of body surface or groundwater.

**NORMAL DOMESTIC WASTEWATER.** Wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 350 mg/l.

**OPERATION AND MAINTENANCE.** All expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designated and constructed.

**PERSON.** Any individual, firm, company, association, society, corporation, or group.

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

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

**RESIDENTIAL CONTRIBUTOR.** Any contributor to the village’s treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

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

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**SEWAGE.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SLUG.** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

**SS (denoting suspended solids).** 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.

**STORM DRAIN (sometimes termed storm sewer).** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT.** The Utilities Superintendent of the village or his or her authorized deputy, agent, or representative.

**TREATMENT WORKS.** Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of compost, and the land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

**USEFUL LIFE.** The estimated period during which a treatment works will be operated.

**USER CHARGE.** That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

**WATER METER.** A water volume measuring and recording device, furnished and/or installed by the village or furnished and/or installed by a user and approved by the village.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.  
(1994 Code, § 3-202)

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### § 53.02 APPLICATION FOR PERMIT.

Any person wishing to connect with the sewer system shall make an application therefor to the Village Clerk/Treasurer. The Village Clerk/Treasurer may require any applicant to make a service deposit in such amount as has been set by the Board of Trustees and placed on file in the office of the Village Clerk/Treasurer. Sewer service may not be supplied to any house or building except upon the written order of the 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 such consumers. Nothing herein shall be construed to obligate the municipality to provide sewer service to non-residents.

(Neb. RS 17-149, 18-503) (1994 Code, § 3-203)

### § 53.03 SEWER CONTRACT.

The municipality through the Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The municipality may also 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. 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 customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the municipality to which the contract both parties are bound. If the customer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Board of Trustees may hereafter adopt, the Superintendent, or his or her agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to the building or premise shall again be made save or except by order of the Superintendent or his or her agent.

(Neb. RS 17-901, 17-902, 18-503) (1994 Code, § 3-204)

### § 53.04 COMPLIANCE; INSPECTIONS.

(A) *Generally.* The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Superintendent or his or her 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.

(1994 Code, § 3-234)

(B) *Injury liability.* While performing the necessary work on private properties referred to in division (A), the Superintendent 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 employees and against liability claims and demands for personal injury or property damage assessed 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 in § 53.27(A).

(1994 Code, § 3-235)

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(C) *Easements.* The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(1994 Code, § 3-236)

### § 53.05 VIOLATION; NOTICE AND LIABILITY.

(A) Any person found to be violating any provision of this chapter except § 53.28 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.

(B) Any person violating any of the provisions of this chapter shall become liable to the village for any expense, loss, or damage occasioned the village by reason of such violation.

(1994 Code, § 3-237)

### § 53.06 PRECEDENCE.

This chapter takes precedence over any terms or conditions of agreements, or contracts between the village and contributors to the treatment works that are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act and its corresponding regulations.

(1994 Code, § 3-245)

## *SEWER REGULATIONS*

### § 53.20 PUBLIC SEWERS REQUIRED.

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

(1994 Code, § 3-205)

(B) *Unlawful discharge of untreated sewage.* It shall be unlawful to discharge to any natural outlet within the village or in any area under the jurisdiction of the village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(1994 Code, § 3-206)

(C) *Cesspools, privies, and septic tanks prohibited.* Except as hereinafter provided, it shall be unlawful to construct or maintain within the village or in any area under the jurisdiction of the village any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(1994 Code, § 3-207)

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(D) *Mandatory hook-up.* The owner of all houses, buildings, or properties 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 or combined sewer of the village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line and accessible to the owner.  
(1994 Code, § 3-208) Penalty, See § 53.99

### § 53.21 PRIVATE SEWAGE DISPOSAL SYSTEM.

(A) *When applicable.*

(1) Where a public sanitary or combined sewer is not available under the provisions of § 53.20(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(2) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in division (D), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.  
(1994 Code, § 3-209)

(B) *Permit required; fee.* Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the 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 \$100 shall be paid to the village at the time the application is filed.  
(1994 Code, § 3-210)

(C) *Permit; when effective; inspections.* A permit for a private sewage disposal shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.  
(1994 Code, § 3-211)

(D) *Specifications.* The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.  
(1994 Code, § 3-212)

(E) *Maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.  
(1994 Code, § 3-213)



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(F) *Additional requirements.* No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Department of Environmental Quality.  
(1994 Code, § 3-214) Penalty, See § 53.99

### § 53.22 BUILDING SEWER INSTALLATION.

(A) *Permit required.* 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 Superintendent.  
(1994 Code, § 3-215)

(B) *Classification; permit application; fee.* There shall be 2 classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for each class of building sewer permits shall be established by resolution of the Board of Trustees and maintained on file in the office of the Village Clerk/Treasurer. The applicable building sewer permit and inspection fee shall be paid to the village at the time of filing the application.  
(1994 Code, § 3-216)

(C) *Expense.* All costs and expense incident 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.  
(1994 Code, § 3-217)

(D) *Single premise.* A separate and independent building sewer shall be provided for every building except where 1 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.  
(1994 Code, § 3-218)

(E) *Use of existing sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this chapter.  
(1994 Code, § 3-219)

(F) *Construction codes.*

(1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(2) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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(3) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the village or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(1994 Code, § 3-220)

(G) *Unlawful connection.* No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(1994 Code, § 3-221)

(H) *Inspections.* The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his or her representative.

(1994 Code, § 3-222)

(I) *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.

(1994 Code, § 3-223) (Ord. 1998-4.2, passed 4-13-1998) Penalty, See § 53.99

### **§ 53.23 PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER, AND PROCESS WATER.**

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet.

(1994 Code, § 3-224) Penalty, See § 53.99

### **§ 53.24 HAZARDOUS AND PROHIBITED DISCHARGES.**

(A) *Flammable, toxic, corrosive, and obstructive substances; preliminary treatment.*

(1) 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, naphta, 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

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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 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 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 fleshings, entrails and paper dishes, cups, mild containers, and the like, either whole or ground by garbage grinders.

(e) Any waters or wastes having a 5-day BOD greater than 300 parts per million by weight, or containing more than 350 parts per million by weight of suspended solids, or having an average daily flow greater than 2% of the average sewage flow of the village shall be subject to the review of the Superintendent.

(2) Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million by weight, or reduce the suspended solids to 350 parts per million by weight, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until the approvals are obtained in writing.  
(1994 Code, § 3-225)

(B) *Specific prohibitions as determined by Superintendent.* No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the 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, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C.)

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F.

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

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

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(5) 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 state for such materials.

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

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

(8) Any waters or wastes having a pH in excess of 11.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

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

(1994 Code, § 3-226)

(C) *Rejection, pretreatment, control of discharge, or use fee surcharge.*

(1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (B), and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (D).

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(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the State Department of Environmental Quality and subject to the requirements of all applicable codes, ordinances and laws.  
(1994 Code, § 3-227)

(D) *Special exceptions permitted; use fee surcharge.* No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the village and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the village for treatment, subject to payment therefore by the industrial concern.  
(1994 Code, § 3-232) Penalty, See § 53.99

### **§ 53.25 GREASE, OIL, AND SAND INTERCEPTORS; WHEN REQUIRED.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.  
(1994 Code, § 3-228)

### **§ 53.26 PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.  
(1994 Code, § 3-229)

### **§ 53.27 CONTROL MANHOLES/SAMPLING STATIONS.**

(A) *When required; installation and maintenance.* When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The 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 by him or her so as to be safe and accessible at all times.  
(1994 Code, § 3-230)

(B) *Method.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab

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sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)  
(1994 Code, § 3-231)

### **§ 53.28 DESTRUCTION OF PROPERTY.**

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

(1994 Code, § 3-233) Penalty, See § 53.99

### **§ 53.29 CAPPING OF BUILDING SEWERS.**

(A) In the event that any building which has a building drain connected by a building sewer to the public sewer is destroyed, demolished, moved from the premises upon which the building was previously located, or the building sewer is disconnected, either temporarily or permanently, from the building drain, the owner of the building shall cause the building sewer to be capped, sealed or otherwise abandoned in accord with rules and regulations established by the Utilities Superintendent and approved by the Board of Trustees.

(B) The owner of any building who is required by division (A) to cap, seal or otherwise abandon, either temporarily or permanently, any building sewer, shall obtain a permit from the Village Clerk/Treasurer prior to commencement of the work. Applications for such permits shall be made to the Village Clerk/Treasurer on forms provided by the Clerk and the permit may be withheld until the deposit, bond or other guarantee of the timely performance of the work, as required by the applicable rules and regulations, is provided.

(C) The Utility Superintendent shall establish rules and regulations governing the capping, sealing, or otherwise abandoning of building sewers as provided in divisions (A) and (B). The rules and regulations shall become effective upon approval of the same by the Board of Trustees. The Village Clerk/Treasurer shall maintain a copy of the rules and regulations on file in the village office and make the same available for public inspection during regular business hours.  
(Ord. 1996-7.1, passed 9-9-1996)

## ***RATES AND CHARGES***

### **§ 53.40 USER CHARGE SYSTEM; PURPOSE.**

(A) It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the village to collect charges from all users who contribute wastewater to the village's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

(B) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the village may by ordinance

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designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by ordinance.  
(1994 Code, § 3-239)

### **§ 53.41 OPERATION AND MAINTENANCE FUND; ACCOUNTS.**

(A) That portion of the total user charge collected which is designated for operation and maintenance purposes as established by ordinance, shall be deposited in a separate nonlapsing fund known as the Operation and Maintenance Fund and will be kept in 2 primary accounts as follows:

(1) An account designated for the specific purpose of defraying operation and maintenance costs excluding replacement of the treatment works (operation and maintenance account).

(2) An account designated for the specific purpose of defraying replacement costs (replacement account).

(B) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.  
(1994 Code, § 3-240)

### **§ 53.42 USER CHARGE SYSTEM; RATE SETTING.**

(A) In addition to a monthly minimum basic charge for sanitary sewer service, each user shall pay for the services provided by the village based on his or her use of the treatment works as determined by water meter(s) acceptable to the village. Rates, including monthly minimum basic charges, shall be set by ordinance of the Board of Trustees and on file in the office of the Village Clerk/Treasurer for inspection during office hours.

(B) For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March and shall be determined and established by the Village Clerk/Treasurer beginning in April of each year. If a residential user has not established a January, February and March average, his or her monthly user charge shall be the median charge of all other residential contributors as determined by the Village Clerk/Treasurer, and such charge shall continue until such a monthly average is established for such residential contributor.

(C) For industrial, institutional and commercial contributors, user charges shall be based on water used during the current month; provided, however, if a commercial, institutional or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the village.  
(Ord. 2000-1.3, passed 1-10-1999)

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### § 53.43 SURCHARGES.

(A) For those users who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal charge will be collected. The surcharge for operation and maintenance including replacement will be determined by the responsible operating personnel and approved by the Village Board.

(B) Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the village's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be determined by the responsible plant operating personnel and approved by the Village Board.  
(1994 Code, § 3-242)

### § 53.44 USER CHARGE REVIEW.

The village will review the user charge system at least every 2 years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.  
(1994 Code, § 3-243)

### § 53.45 USER CHARGE; NOTIFICATION.

The village will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.  
(1994 Code, § 3-244)

### § 53.46 SEWER RATES.

(A) *Residential contributors sewer rate.*

(1) The residential contributors sewer rate shall be applicable when the building, premises or place receiving sanitary sewer service is located within the corporate limits of the village and is used for dwelling or family living purposes.

(2) The residential contributors sewer rate shall be a minimum of \$13.50 per calendar month plus a monthly usage fee of \$3.40 per 1,000 gallons of water or any portion thereof used, which monthly usage fee shall be based on the average monthly water usage during the months of January, February and March. Unless otherwise provided by ordinance, each monthly usage fee shall be established by the Village Clerk/Treasurer during the month of April in each calendar year and shall continue for 1 year or until changed by action of the Board of Trustees.

(B) *Non-residential contributors sewer rate.*

(1) The non-residential contributors rate shall be applicable when the building, premises or place receiving sanitary sewer service is located within the corporate limits of the village and is used for commercial, industrial, institutional or other non-residential purposes.



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(2) The non-residential contributors sewer rate shall be a minimum of \$13.50 per calendar month plus \$3.40 per 1,000 gallons of water or any portion thereof used during the month.

(C) *Non-resident rate.*

(1) The non-resident contributors sewer rate shall be applicable to all buildings, premises or places receiving sanitary sewer service from the village which are located outside the corporate limits of the village.

(2) The non-resident contributors sewer rate shall be a minimum of \$13.50 per calendar month plus a monthly usage fee of \$3.40 per 1,000 gallons of water or any portion thereof used, which monthly usage fee shall be based on the average monthly water usage during the months of January, February and March established by the Village Clerk/Treasurer during the month of April in each calendar year and shall continue for 1 year or until changed by action of the Board of Trustees.

(Ord. 2000-1.2, passed 1-10-1999; Am. Ord. 2008-10.2, passed 12-8-2008)

### **§ 53.99 PENALTY.**

Any person who shall continue any violation beyond the time limit provided for in § 53.05 shall be guilty of an offense, and on conviction thereof shall be fined in the amount not exceeding \$50 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

(1994 Code, § 3-238)

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