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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: VILLAGE POWERS; RATE SETTING

The village currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, an electricity distribution system, and a trash collection service. The village has the right and power to tax assets and collect payment from its residents for use of the water supplied to them by the water system, for use of the sewer system, for the electricity supplied to them by the electric system, and for use of the trash collection service. The Village Board is authorized to establish by ordinance such rates for water, sewer, electric, and trash service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §17-538)

SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES

All residents of the village shall be required to subscribe to village utility services. Application forms are available at the village office.

SECTION 7-103: BILLING AND COLLECTIONS; DELINQUENCY

A. Bills for water, sewer, solid waste, and electricity shall be due and payable monthly at the office of the village clerk. Water, sewer, and solid waste shall be billed as a flat rate and electricity use shall be metered. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six-month average of the season one year prior to such breakage shall be used for billing purposes.

B. Utility customers shall pay their bills by any method approved by the Village Board. Bills shall be due on the first day of each month and shall be payable by the 15th day of each month. Electricity charges paid after the 15th of each month shall be assessed a 10% penalty.

C. Bills not paid by the 15th day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent as herein defined, the village clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the utilities superintendent to continue disconnection procedures in compliance with Section 7-104. The village shall assess an additional fee as set by resolution in the event that water is shut off for the non-

payment of any water bill, to compensate the village for the additional hookup necessary to again provide water service to the delinquent customer.
(Neb. Rev. Stat. §§17-542, 17-902, 18-416)

SECTION 7-104: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

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

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

C. This section shall not apply to any disconnections or interruptions of service made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §§70-1603, 70-1604) (Am. Ord. No. 84-7, 11/6/84)

SECTION 7-105: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the village for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the utilities superintendent on the first day of June each year to report to the Village Board a list of all unpaid accounts due for utilities, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-106: DIVERSION OF SERVICES; UNLAWFUL ACTS

A. Any person who connects any instrument, device, or contrivance with any

wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such 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, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the village, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-104 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. 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 such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. Rev. Stat. §28-515.02)

SECTION 7-107: DIVERSION OF SERVICES; PENALTY

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

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

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the village may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

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

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

(Neb. Rev. Stat. §§25-21,276 through 25-21,278) (Ord. No. 83-7, 12/6/83)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.
(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP

All consumers within the corporate limits of the village shall be connected to the village water system. Said consumers, whether they be residential, business, fertilizer and anhydrous suppliers, laundromats, schools, school districts, churches, or any

other possible consumers shall not be connected to or utilize any non-municipal water wells or water systems for any purpose, except that any consumer connected to a water well or utilizing a water well or water system for whatever purpose prior to the passage and effective date of this section shall not be in violation of this section. (Neb. Rev. Stat. §17-537) (Ord No. 92-2, 2/4/92)

SECTION 7-204: SERVICE TO NON-RESIDENTS

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

SECTION 7-205: CONSUMER'S APPLICATION; SERVICE DEPOSIT

Every person or persons desiring a supply of water must make application therefor to the village clerk, who may require any applicant to make a service deposit in such amount as set by resolution by the Village Board and placed on file at the village office. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Water shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and water rates set forth in this chapter shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between the village and every consumer now or hereafter served. The making of application on the part of any applicant for the use or consumption of water by a new consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the village, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of said superintendent or his agent.

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

advised of such circumstances.
(Neb. Rev. Stat. §17-537)

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

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Ord. Nos. 88-10, 6/7/88; 89-9, 5/4/89)

SECTION 7-208: WATER METERS REQUIRED; LAWFUL USE

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

SECTION 7-209: INSTALLATION; EXPENSE; TAP FEE

A. The village shall pay the cost of tapping the main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his duly authorized agent shall tap the water main. The customer shall pay a tap fee in such sum as the utilities superintendent shall require in each case; provided, a tap for a 3/4" inch pipe shall be deemed to be the minimum or base tap fee. The customer shall at his or her own expense bring water service from the stop box and upon his or her premises and shall employ a licensed plumber to install water service to the place of dispersement. Such supply pipes shall be of a type as approved by the Village Board. All service pipe must be laid at such depth under the surface of the ground as the main pipe in the street, in no case less than 4 feet in depth, and in all cases be so protected as to prevent rupture from freezing. The extension of commercial mains into unsupplied territory within the corporate limits, may be made by means of water extension districts.

B. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utilities superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises.

(Neb. Rev. Stat. §17-542)

SECTION 7-210: REPAIRS AND MAINTENANCE

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

B. All water meters shall be kept in repair by the village at its expense. When meters are worn out, they shall be replaced and reset by the village at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the village shall bear the expense of such test. The village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the village shall always have the right to place a new meter on the customer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent.

(Neb. Rev. Stat. §17-537)

SECTION 7-211: INSTALLATION OR REPAIR PROCEDURE

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

B. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

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.

(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-212: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall 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 usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-213: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the village on the account of the Water Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-103 and 7-104. (Neb. Rev. Stat. §17-540)

SECTION 7-214: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-215: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the utilities superintendent.

SECTION 7-216: 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 (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-217: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Neb. Rev. Stat. §17-536)

SECTION 7-218: BACKFLOW PREVENTION DEVICES; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

A. A customer of the Water Department may be required by the utilities super-

intendent to install and maintain a properly located backflow prevention device at his or her expense appropriate to the potential hazards set forth in Nebraska Department of Health, Title 179, and approved by the utilities superintendent.

B. This section shall pertain to all underground water sprinkler systems installed on or after May 11, 2022.

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

D. 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 licensed plumber, if applicable.

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

F. All customers of the Water Department shall be required to report to the utilities superintendent at least every five years any potential backflow hazards which may be on their premises.

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

(Ord. Nos. 92-14, 12/1/92; 22-3, 8/15/22)

SECTION 7-219: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

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

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet

Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

SECTION 7-220: RESTRICTED USE

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

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

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

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

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. It shall be unlawful to discharge to any natural outlet within the village, within one mile of the corporate limits thereof or in any area under its jurisdiction any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (F) below.

C. It shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, sub-surface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs, which shall be as determined by the utilities superintendent.

E. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for

any purpose whatsoever. In addition to the other remedies that are provided by this chapter for violations of this code, the village shall have the right to secure the abatement of any connection or discharging violation of this section.

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

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the village is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the Village Board, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 60 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

SECTION 7-305: SERVICE TO NON-RESIDENTS

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

SECTION 7-306: CONSUMER'S APPLICATION FOR PERMIT; CLASSIFICATION; SERVICE DEPOSIT; INSPECTION FEES

A. Any person wishing to connect with the sewer system shall make an application to the village clerk, who may require any applicant to make a service deposit in such amount as has been set by the Village Board and placed on file at the village office. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Sewer service may not be supplied to any house or building except upon the written order of the utilities superintendent. (Neb. Rev. Stat. §19-2701)

B. There shall be two classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a 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 utilities superintendent. A permit and inspection fee in an amount set by resolution of the Village Board shall be paid to the village at the time the application is filed.

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

A. The village 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.

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

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

(Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION EXPENSE; TAP FEE

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

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

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

(Neb. Rev. Stat. §18-503)

SECTION 7-309: PLUMBER'S LIABILITY

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

SECTION 7-310: INSTALLATION; 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 unless such connection is approved by the superintendent for purposes of disposal of polluted surface drainage; provided, if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-311: USE OF EXISTING SEWERS

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

SECTION 7-312: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications on file with the village office and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-313: REPAIRS AND MAINTENANCE

A. The village shall repair or replace all pipe constituting major sewer mains.

B. The Sewer Department may require the owner of any property which is within the village and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board.

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

(Neb. Rev. Stat. §18-1748) (Ord. No. 84-6, 11/6/84)

SECTION 7-314: DIRECT CONNECTION; SPECIFIC CONDITIONS

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

SECTION 7-315: FEE STRUCTURE; CLASSIFICATION

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

SECTION 7-316: SEWER RATES

Customers of the Sewer Department shall pay such rates as shall be set by the Village Board by ordinance, placed on file at the office of the village clerk and available for public inspection during office hours.

SECTION 7-317: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the village on the account of the Sewer Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-103 and 7-104. (Neb. Rev. Stat. §17-540)

SECTION 7-318: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 7-319: DESTRUCTION OF PROPERTY

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

Article 4 – Electrical Department

SECTION 7-401: OWNERSHIP

The village owns and operates the village electrical system through the utilities superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village electrical system may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the electrical fund and shall remain in the custody of the village treasurer. The utilities superintendent shall have the direct management and control of the village electrical system and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system subject to the supervision and review of the Village Board. (Neb. Rev. Stat. §§17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: CONSUMER'S APPLICATION; DEPOSIT

Every person or persons desiring electrical service must make application therefor to the utilities superintendent. Any applicant may be required to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. Electricity may not be supplied to any house or building except upon the order of the utilities superintendent. (Neb. Rev. Stat. §§17-902), 19-2701)

SECTION 7-403: CONTRACTS AND TERMS; NOT TRANSFERABLE

A. The village through its Electrical Department shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits as and when, according to law, the Village Board may see fit to do so. The rules, regulations, and rates for electric service shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between the village and the consumer.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the village, to which both parties are bound. If customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his agent shall cut off or disconnect the electric service from the building or place of such violation in compliance with Article 1 of this chapter and no further connection of electric service for such building or place shall again be made save or except by order of the superintendent or his agent.

C. Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or remove from the premises where service is furnished in his or her name or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the utilities superintendent, who shall cause the electrical service to be shut off from the said premises. If the consumer should fail to give such notice, he or she shall be charged for all electricity used on the said premises until the utilities superintendent is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-902)

SECTION 7-404: SERVICE DEPOSIT FUND

A service deposit required for electrical service shall be promptly paid upon demand by all customers of the electrical system. From the said deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the utilities superintendent and immediately turned over to the village treasurer, who shall keep the said fees in a trust fund for the customers of the electrical system. Said fund shall be invested at interest separately and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the village electrical system. Such deposits shall be held for a period of three years or until service is disconnected. If at the end of the three-year period a consumer's deposit has never been used to offset a delinquent bill, such service deposit shall be refunded to the customer.

SECTION 7-405: ELECTRICIAN

Under no circumstances shall connections be made between the wires of the electrical distribution system of this village and the meter of the consumer, except by an employee of the village or an electrician authorized to do so by the utilities superintendent. All wiring, equipment, and apparatus shall be installed according to the Electrical Code duly adopted by the village. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent and building inspector; provided, such rules, regulations, and specifications have been reviewed and approved by the Village Board. (Neb. Rev. Stat. §17-902)

SECTION 7-406: INSTALLATION EXPENSE

The village shall supply and pay the expense of the equipment and install the overhead wires, meter loop, and meter for connections to the electrical system. Service shall be brought to the house where service is to be supplied. Customers desiring underground service shall be required to bear the expenses of connection from the meter to the points of distribution. All equipment and appurtenances supplied by the village shall remain property of the village. The village shall repair and maintain overhead connections up to the point of connection on the house or building supplied. Underground connections shall be repaired and maintained by the village up to the

meter. It shall be the duty of the customer to repair and maintain the connection from the meter to the point of distribution.

SECTION 7-407: RESTRICTED USE

The village electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The utilities superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The village shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the village has no control; and the village expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902)

SECTION 7-408: METER TESTS

All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the electrical meter to be running 2% or more fast, the expense of such test shall be borne by the village. The village reserves the right to test any electrical service meter at any time and if said meter is found to be beyond repair, the village shall always have the right to place a new meter on the customer's electrical service fixtures at village expense.

SECTION 7-409: POSTING SIGNS

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the village electrical system any sign, poster, advertisement, or banner without written permission from the utilities superintendent.

SECTION 7-410: TRIMMING TREES

A. Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the village electrical system shall, before doing the said work, give reasonable written notice to the utilities superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so.

B. It shall be the duty of every owner of real estate in the village to keep trees trimmed so as to protect the municipally and privately owned lines and wires of the village electrical system. Upon the failure of the owner, lessee, or occupant having control of any such real estate to trim the said trees within 10 feet from each side of a line or wire, the utilities superintendent shall serve notice on the said owner, lessee, or occupant to do so. In the event that the trees have not been trimmed after a period of five days, the superintendent may order the same to be done and the cost thereof

shall be chargeable to the property owner. If the owner fails to reimburse the village after being properly billed, the cost may be assessed against the real estate and the Village Board shall have the assessment certified to the county treasurer for collection in the manner provided by law.

C. In the event the property owner is a non-resident of the county in which the property lies, the village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

D. Whenever it becomes necessary to protect the lines or property of the electrical system, the Village Board shall have the right to remove and cut away in a careful and prudent manner overhanging branches or limbs of trees within 10 feet from each side so that its lines shall be free and open. Such right, privilege, and authority may also be exercised by the village whenever its chairman and Village Board at any regular, stated, or special meeting pass a resolution stating its intention to so cut or remove such obstructions to the lines and service of its electric distribution system.

SECTION 7-411: INSPECTIONS

The utilities superintendent or his duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

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

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

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

SECTION 7-502: TRASH COLLECTION SERVICE

A. Trash collection service for the residents of the village is mandatory. Dumpsters will be provided.

B. Trash collection service will be available to rural residents who live outside the village limits and electric utility service area. Dumpsters will be provided in designated areas.

(Ord. No. 93-6-2, 6/1/93)

SECTION 7-503: GARBAGE AND REFUSE REMOVAL; AUTHORITY

The Village Board 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 village 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. Rev. Stat. §18-1303) (Ord. No. 89-2, 5/4/89)

SECTION 7-504: GARBAGE AND REFUSE REMOVAL; NOTICE; REMOVAL

A. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by the village police chief, who shall represent 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 container with a tight cover or a durable plastic bag that is securely tied at its opening.

B. 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. Such notice shall be provided by personal service or by certified mail. After providing such notice,

the village through its proper officers shall, in addition to other proper remedies, remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads, or alleys.

(Neb. Rev. Stat. §18-1303) (Ord No. 89-2, 5/4/89)

SECTION 7-505: GARBAGE AND REFUSE REMOVAL; IMMEDIATE NUISANCE

If the chairman 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 village 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 Section 7-504, if such garbage or refuse has not been removed. (Neb. Rev. Stat. §18-1303) (Ord. No. 89-2, 5/4/89)

SECTION 7-506: GARBAGE AND REFUSE REMOVAL; LIEN

Whenever the village removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this article it shall, after a hearing conducted by the Village Board, assess the cost of the removal against such lot or land. (Neb. Rev. Stat. §18-1303) (Ord. No. 89-2, 5/4/89)

SECTION 7-507: PROHIBITIONS; PUBLIC PROPERTY

A. It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited any rubbish, waste, or garbage on any vacant lot, public thoroughfare, street, or alley, public property, or any place whatsoever except the place provided by the Board of Health or the village.

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

(Neb. Rev. Stat. §19-2106)

SECTION 7-508: DEAD ANIMALS

Every dead animal shall be immediately removed and buried by its owner and if he or she cannot be found within two hours after discovery of the same, then such animal shall be removed by and at the expense of the village. Dead animals shall not be buried within the corporate limits of the village nor within one mile thereof nor in or above the course of groundwater that is used for drinking purposes by the village or its inhabitants. Such animals may, however, be buried in the village dumping ground.

SECTION 7-509: MUNICIPAL LANDFILL; OPERATION AND FUNDING

The village owns and operates the village landfill through the landfill caretaker. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village landfill, may each year levy a tax not to exceed the maxi-

imum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the landfill fund and shall remain in the custody of the village treasurer. The landfill caretaker shall have the direct management and control of the village landfill and shall faithfully carry out the duties of his position. The landfill caretaker shall have the authority to adopt rules and regulations for the sanitary and efficient management of the landfill, subject to the supervision and review of the Village Board. The board shall provide by ordinance for the management and operation of the landfill and shall set the rates to be charged for services rendered by ordinance and file the same in the office of the village clerk for public inspection at any reasonable time. (Neb. Rev. Stat. §§19-2101 through 19-2106)

SECTION 7-510: MUNICIPAL LANDFILL; REGULATIONS

A. All materials deposited in the village landfill shall be bagged, packaged, or secured or be of such a nature that the materials so deposited are not blown about or scattered by the wind.

B. Appliances that contain contaminating material (Freon, oil, grease, etc.) will no longer be accepted in the landfill. Appliances that have had their contaminating material removed will be accepted.

(Ord. No. 93-6-3, 6/1/93)

SECTION 7-511: MUNICIPAL LANDFILL; RESTRICTED USE

A. The landfill is open to the following persons only:

1. Residents or businesses inside the village limits who are paying customers of the village trash collection service.
2. Utility customers who live outside the village limits who are paying customers of the village trash collection service.
3. Rural customers who haul their own trash to the village and are paying customers of the village trash collection service.

B. A fine for unauthorized dumping has been set by the Village Board and shall be on file in the office of the village clerk.

(Ord. Nos. 92-7, 7/7/92; 93-6-1, 6/1/93)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.