

CHAPTER VI

PUBLIC UTILITIES

ARTICLE I - WATER DEPARTMENT

- 6-101 OPERATIONS AND FUNDING
- 6-102 TERMS DEFINED
- 6-103 CONSUMER'S APPLICATION; SERVICE DEPOSIT
- 6-104 WATER CONTRACT
- 6-105 REPAIRS AND MAINTENANCE
- 6-106 NEW MAIN INSTALLATION
- 6-107 INSTALLATION PROCEDURE
- 6-108 INSTALLATION EXPENSE
- 6-109 MINIMUM RATES
- 6-110 WATER BILLS
- 6-111 LIEN
- 6-112 SINGLE PREMISES
- 6-113 RESTRICTED USE
- 6-114 FIRE HYDRANTS
- 6-115 POLLUTION
- 6-116 MANDATORY HOOKUP
- 6-117 WATER SERVICE CONTRACTS
- 6-118 INSPECTION
- 6-119 DESTRUCTION OF PROPERTY
- 6-120 FLUORIDE PROHIBITED
- 6-121 UNLAWFUL CONNECTION
- 6-122 WATER SERVICE BEYOND CORPORATE LIMITS; RATES
- 6-123 WATER WELLS; DEFINED; STRUCTURES OR ACTIVITIES
PROHIBITED WITHIN DEFINED DISTANCE FROM EXISTING
WELLS; PERMITS, EXCEPTIONS
- 6-124 USE OF LEAD PIPES, SOLDER AND FLUX PROHIBITED
- 6-125 COMMERCIAL LIVESTOCK WATERING OPERATIONS
- 6-126 BACKFLOW/BACKSIPHONAGE REGULATIONS; DEFINITIONS
- 6-127 BACKFLOW/BACKSIPHONAGE REGULATIONS; POLICY AND
PURPOSE
- 6-128 BACKFLOW/BACKSIPHONAGE REGULATIONS; SURVEYS AND
INVESTIGATIONS
- 6-129 BACKFLOW/BACKSIPHONAGE REGULATIONS; WHERE
PROTECTION IS REQUIRED
- 6-130 BACKFLOW/BACKSIPHONAGE REGULATIONS; TYPE OF
PROTECTION REQUIRED
- 6-131 BACKFLOW/BACKSIPHONAGE REGULATIONS; BACKFLOW
PREVENTION DEVICES
- 6-132 BACKFLOW/BACKSIPHONAGE REGULATIONS; BOOSTER
PUMPS
- 6-133 BACKFLOW/BACKSIPHONAGE REGULATIONS; YARD
HYDRANTS

- 6-134 BACKFLOW/BACKSIPHONAGE REGULATIONS; FIRE SUPPRESSION SYSTEM
- 6-135 BACKFLOW/BACKSIPHONAGE REGULATIONS; VIOLATIONS
- 6-136 BACKFLOW/BACKSIPHONAGE REGULATIONS; APPROVAL STANDARDS
- 6-137 BACKFLOW/BACKSIPHONAGE REGULATIONS; LIABILITY CLAIMS
- 6-138 DROUGHT EMERGENCY CONTINGENCY PLAN

ARTICLE II - SEWER DEPARTMENT

- 6-201 TERMS DEFINED
- 6-202 OPERATION AND FUNDING
- 6-203 SEWERS REQUIRED
- 6-204 PRIVATE SEWAGE DISPOSAL
- 6-205 SEWER CONTRACT
- 6-206 SERVICE CONTRACTS
- 6-207 SERVICE TO NON-RESIDENTS
- 6-208 INSTALLATION PROCEDURE
- 6-209 INSTALLATION EXPENSE
- 6-210 SEPARATE CONNECTIONS
- 6-211 REPAIRS AND REPLACEMENT
- 6-212 SERVICE INTERRUPTIONS
- 6-213 INSPECTIONS
- 6-214 PROHIBITED DISCHARGES; STORM, SURFACE, GROUND, COOLING AND PROCESS WATERS, AND MECHANICAL USE OF WATER
- 6-215 SPECIAL EQUIPMENT
- 6-216 MANHOLE
- 6-217 PROTECTION FROM DAMAGE
- 6-218 REPAIRS AND MAINTENANCE
- 6-219 CLASSIFICATION
- 6-220 SEWER BILLS
- 6-221 LIEN
- 6-222 SEWER USE RATES
- 6-223 LICENSED PLUMBER
- 6-224 PLUMBER'S LIABILITY
- 6-225 VIOLATIONS; PENALTY; LIABILITY

ARTICLE III - GARBAGE AND WASTE DISPOSAL

- 6-301 DEFINITIONS
- 6-302 CONTRACT FOR CITYWIDE COLLECTION
- 6-303 WASTE RECEPTACLES
- 6-304 DEAD ANIMALS
- 6-305 REFUSE COLLECTION VEHICLES

6-306 PERMITS REQUIRED

ARTICLE IV - UTILITIES GENERALLY

6-401 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

6-402 DIVERSION OF SERVICES; PENALTY

6-403 DIVERSION OF SERVICES, METER TAMPERING,
UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE

ARTICLE V - PENAL PROVISION

6-501 VIOLATION; PENALTY

CHAPTER VI

PUBLIC UTILITIES

ARTICLE I - WATER DEPARTMENT

SECTION 6-101: OPERATIONS AND FUNDING

The chairman and Board of Trustees hereby find and determine that the Village owns and operates a waterworks plant and water system in and for the Village, and said village hereby adopts the following as the rules and regulations for service by and usage of the village waterworks plant and water system, which will govern the operation of the system.

For the purpose of defraying costs of the care, management and maintenance of the village waterworks plant and water system, the Village 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. Revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the village treasurer.

The utilities superintendent shall have the direct management and control of the village water system and shall faithfully carry out the duties of his/her office. The utilities superintendent shall have the authority to prepare rules and regulations for the sanitary and efficient management of the water system subject to the approval, supervision and review of the Board of Trustees. The Board shall set the rate 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.

SECTION 6-102: TERMS DEFINED

The following definitions shall be applied throughout this article. 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 disbursing the same, in the Village.

"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.

"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 disbursed.

"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.

SECTION 6-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT

Every person desiring a supply of water must make application therefor to the village clerk upon the form to be furnished for that purpose. A service deposit in an amount set by resolution of the Village Board for the privilege of hooking on to the water system shall be paid by the applicant to the clerk. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent. The department shall not supply water service to any person outside the corporate limits without special permission from the Board; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to provide water service to non-residents.

SECTION 6-104: WATER CONTRACT

The Village, through its water system, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Village may furnish water to persons whose premises do not abut a street or alley in which a village 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 Village, as and when, according to law, the Board of Trustees may approve. The rules, regulations and water rates hereinafter named in this article 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.

Without further formality, the making of application on the part of any applicant or the use or consumption of water by any present consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Village, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Board of Trustees may hereafter adopt, the utilities superintendent or his/her agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made, save or except by order of said utilities superintendent or his/her agent.

SECTION 6-105: REPAIRS AND MAINTENANCE

Repairs to the service pipe shall be made by and at the expense of the customer. 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 other repairs to the property of the water department, including the meter, shall be made by the Village. All water

meters shall be kept in repair by the Village at the expense of the Village. When meters are worn out, they shall be replaced and reset by the Village at the expense of the Village; provided that if the customer permits or allows a water meter to be damaged, injured or destroyed through his/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 such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at 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 such test shall be borne by the Village. The Village reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at Village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent.

SECTION 6-106: NEW MAIN INSTALLATION

The Village shall not be required to extend water service at its own expense to any lot which does not abut on a street at a place where a commercial water main is in existence at the time the service shall be applied for. The costs of the extension of any water mains for service to a specific consumer shall be borne by the water applicant. Where water mains are extended, the Village may furnish all labor and equipment necessary for the installation of water mains and services and shall charge the applicant the actual costs thereof. The Village shall be the owner of any water mains and shall maintain and replace the same at no cost to the applicant or user. Fire hydrants and valves pertaining to hydrants will be paid for out of the Water Fund. All new additions to the water main system shall be of four-inch or larger cast iron or approved polyvinyl chloride (PVC) pipe and shall form connecting loops where possible to eliminate dead ends. The manner in which connecting loops are accomplished shall be left to the discretion of the utilities superintendent. In cases where the main construction requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

SECTION 6-107: INSTALLATION 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 occasioning the least inconvenience to the public and providing for adequate drainage. No person shall leave an excavation made in

the street, alley or sidewalk open at any time without a barricade. 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 48 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 two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the first work is completed and the service is restored. It is the consumer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the terms established by the utilities superintendent.

SECTION 6-108: INSTALLATION EXPENSE

The Village shall tap the main, install the meter, and provided 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/her 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. A tap for 3/4 inch pipe shall be deemed to be the minimum or base tap fee. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the costs of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the stop box to the place of disbursement. Non-residents shall pay such tap fees and installation charges in such sums as the utilities superintendent, pursuant to resolution of the Village Board, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

SECTION 6-109: MINIMUM RATES

All water consumers shall be liable for a minimum rate charge of ^{\$ 32.00} ~~\$14.00~~, plus an additional charge of ~~\$1.00~~ per each 1,000 gallons of water used by the consumer. There will be no proration of the \$1.00 per 1,000 gallon rate. Usage of any amount up to 1,000 gallons will be a \$1.00 charge. Usage of any amount between 1,000 gallons and 2,000 gallons will be a \$2.00 charge, with charges to continue in that manner for all additional gallons used. All charges will continue until the consumer shall, by written notification, direct the utilities superintendent to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again by the utilities superintendent at the written direction of the consumer. (Amended December 16, 2002, Ord. No. 02-05-04)

SECTION 6-110: WATER BILLS

Water fees shall be due and payable monthly and shall be mailed to the customer on or around the 10th of each month. It shall be the duty of the customers of the water department to pay their bill electrically, mailed or put in the dropbox by the 26th of each month. The Village Clerk shall charge and collect from each customer the minimum charge together with any other charges, properly itemized, due the water department. Bills not paid by the 26th of each month will be deemed delinquent. Upon being deemed delinquent as herein defined, the village clerk shall give written notice of such delinquency to the consumer and shall demand payment immediately. In the event the bill is not paid within fifteen days after send the notice, it shall be discretionary with the village board to cut off service at any time; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the village clerk to notify the consumer and the county's dept of social services by certified mail of the proposed termination. There shall be assessed, against the customer, a reconnection fee of \$50.00 in the event that water is shut off, to compensate to village for additional hook up necessary to provide water service again to the delinquent customer.

SECTION 6-111: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the village for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water 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 water rent. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

SECTION 6-112: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his/her premises, nor shall any person, after water is supplied into a building, make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written permission of the utility's 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 said meter to cause the meter to register inaccurately.

SECTION 6-113: RESTRICTED USE

The Village Board or the utilities superintendent may order a reduction in the use of water or shut off the water to any premises in the event of a water shortage due to fire or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting 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.

SECTION 6-114: 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 Village Fire Dept. under the order so the fire chief or the assistant fire chief to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with such hydrants.

SECTION 6-115: 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 Village Water Department.

SECTION 6-116: MANDATORY HOOKUP

All persons within 300 feet of a water main shall be required, upon notice of the Board, to hook up with the village water system; provided, no person shall be allowed to hook up a mechanical heat pump device or other prohibited mechanical device with the village water system.

SECTION 6-117: 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 sell, dispose of or move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he/she shall at once inform the utilities superintendent, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the utilities superintendent is otherwise advised of such circumstances.

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SECTION 6-118: INSPECTION

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

SECTION 6-119: 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 village 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 6-120: FLUORIDE PROHIBITED

Fluoride shall not be added to the village water supply.

SECTION 6-121: UNLAWFUL CONNECTION

Water will not be turned on in any house or private service pipe except upon the order of the utilities superintendent or his/her duly authorized agent. Plumbers are strictly prohibited from turning on the water to any service pipe except on the order or permission of the utilities superintendent or his/her duly authorized agent. This rule shall not be construed to prevent any plumber from admitting water to test pipes, and for that purpose only. No person except the utilities superintendent or his/her agent shall by any device turn on water for use on any premises after the same shall have been shut off for non-payment of bills or any other cause.

SECTION 6-122: WATER SERVICE BEYOND CORPORATE LIMITS; RATES

The Village, by resolution of the chairman and Board of Trustees, shall have the authority to contract with any person, corporation or association to sell water service beyond its corporate limits when in the judgment of the chairman and Village Board it is beneficial for the Village to do so. The Village shall not incur any cost or expense beyond its commercial mains in providing the means of such service. Such service shall not be instituted or continued except to the extent that the facilities of the Village for supplying water service are in excess of the requirements of the inhabitants of the Village. For the furnishing of water beyond its corporate limits subject to the above conditions, said village may establish rates with such persons, firms or corporations without regard to the rates specified for resident customers; provided that the contracts and rates made for

the non-residents shall be uniform so far as they affect the users of equal amounts of water under such contracts. The chairman and Village Board shall have the power to set non-resident rates and charges to be paid by non-resident consumers. A copy of these rates is on file for public inspection at the office of the village clerk.

**SECTION 6-123: WATER WELLS; DEFINED; STRUCTURES OR ACTIVITIES
PROHIBITED WITHIN DEFINED DISTANCE FROM
EXISTING WELLS; PERMITS, EXCEPTIONS**

A. For purposes of this section, "water well" shall mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal property of the ground or extracting water from or injecting water into the underground water. "Water well" shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals or products mined or quarried or inserting media to repressure oil or natural gas bearing formation. The intent of this section is to establish control by the Village over the location of future potential sources of contamination within the Village and the extraterritorial jurisdiction of the Village's drinking water system, so as to prevent or minimize any hazard to the safety of the Village's drinking water.

B. It shall be unlawful to place, maintain, construct or replace any of the following structures or conduct any of the following activities within the distance specified below from any existing village water well, water storage tanks or existing underground water mains:

<u>Category</u>	<u>Distance</u>
Village Water Main	500 feet
Sewage Lagoon	1,000 feet
Water Well	1,000 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Run Off	500 feet
Corral	500 feet
Chemical Storage	500 feet
Petroleum Storage	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Absorption or Disposal	500 feet
Field for Waste	500 feet

C. The construction of a water well within the corporate limits or within one mile of the corporate limits of the Village shall not be started unless a permit approved by the Village Board has been obtained.

D. The Village Board may consider allowing placement of water wells as defined by the Nebraska Regulations governing public water supply systems (Title 179, NAC2) and Nebraska Regulations governing water well construction, pump installation and water well abandonment standards (Title 178, NAC12), as amended from time to time, closer to a village water well than the limitations set forth herein. Closer placement shall be allowed only under the following conditions:

1. The Village shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his/her examination and report shall be paid by the applicant in addition to any previously paid estimated costs.

2. The Village Board shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in subsection A, the Village Board must act to prevent all sources of possible or likely water contamination.

If the Village Board approves the installation, it shall submit the application together with the engineer's report to the Department of Health of the State of Nebraska for a final approval or denial. No installation shall be made without the approval of both the Village Board and the Department of Health of the State of Nebraska.

E. Water wells in existence and use shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the Village. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this ordinance.

SECTION 6-124: USE OF LEAD PIPES, SOLDER AND FLUX PROHIBITED

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

For purposes of this section, lead free shall mean:

1. Solders and flux -- not more than .2% lead, and
2. Pipe and pipe fittings -- not more than 8% lead.

SECTION 6-125: COMMERCIAL LIVESTOCK WATERING OPERATIONS

No commercial livestock operations shall be allowed within the limits of the Village unless such operation shall have first obtained permission from said village.

SECTION 6-126: BACKFLOW/BACKSIPHONAGE REGULATIONS; DEFINITIONS

A. For the purposes of this article, the following terms shall mean:

"Antisiphon vacuum breaker" is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the superintendent as being suitable for the intended use.

"Auxiliary water system" means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system, polluted or contaminated water, process fluids, used water or other sources of water over which the Village does not have sanitary control.

"Backflow" or "backsiphonage" means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Consumer's water supply system" means any water supply system located on the consumer's premises supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered a consumer's water supply system.

"Contamination" means an impairment of the quality of the water by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any arrangement whereby contamination due to backflow or backsiphonage can occur.

"Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

"Dual check valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Health hazard" means any condition, device or practice in a water system or its operation that creates a real or potential danger to the health and well being of the consumer.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

"Licensed plumber" means a person who has obtained the appropriate license from the chairman and Village Board to perform plumbing-related work within the village limits.

"Non-potable water" means water not safe for drinking, personal or culinary use, or which does not meet the requirements of the Nebraska Department of Health.

"Plumbing hazard" means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by air-gap separation or backflow prevention devices.

"Owner" means the person delivering water through a public water supply system. The Village of Oconto is operating through the utilities superintendent.

"Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity.

"Plumbing hazard" means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by air-gap separation or backflow prevention devices.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrade the quality of water to a degree which does not necessarily cause an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

"Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. "Water supply source" is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include 100% closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

"System hazard" means a condition posing an actual or potential threat of damage of the physical properties of the public's or the consumer's water supply system.

"Used water" means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

2. Responsibility. The consumer as defined in these regulations, if requested by the utilities superintendent, shall designate an individual or individuals who shall be responsible for contact and communications with the superintendent in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the superintendent.

SECTION 6-127: BACKFLOW/BACKSIPHONAGE REGULATIONS; POLICY AND PURPOSE

1. The purpose of these backflow regulations is to protect the public water supply system of the Village from the possibility of contamination or pollution which may backflow into the system. These regulations provide for the maintenance of a continuing program of cross-connection controls which will systematically and effectively prevent the contamination or pollution of the potable water supply system.
2. The utilities superintendent shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If in the judgment of the superintendent an approved backflow prevention device is required for the safety of the public water supply system, then he/she shall give notice in writing to the consumer to install said device at each recommended location. The superintendent shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all dual check valves and reduced pressure zone devices shall be performed by the superintendent. If maintenance or repairs are deemed necessary, the consumer shall be contacted and issued an order to do all necessary repairs or maintenance. The consumer shall complete all maintenance or repairs within 30 days; if not, he/she shall be considered in violation of the backflow regulations and will be subject to disconnection of service as provided in Section 6-135.
3. No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless such cross-connections are abated or controlled in accordance with this rule, and as required by the laws and regulations of the Nebraska Department of Health.
4. For the purposes of these backflow prevention regulations, whenever the superintendent is to make any decisions or interpretations, or whenever reference is made to the fact that the superintendent is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of these backflow prevention regulations, and any other applicable provisions of the municipal code and state and federal law.

SECTION 6-128: BACKFLOW/BACKSIPHONAGE REGULATIONS; SURVEYS AND INVESTIGATIONS

1. It shall be the responsibility of the water consumer to conduct or cause to be conducted periodic surveys of water use practices on his/her premises as

necessary to determine whether there are actual or potential cross-connections in the consumer's water supply system. The superintendent shall have the authority to conduct or cause to be conducted periodic surveys and investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water system. The superintendent may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

2. On request by the superintendent, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the superintendent shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required in Section 6-129.

3. The superintendent shall have the right to enter a premise served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices. In order to inspect a premise, the superintendent shall give notice setting forth a proposed date and time to the consumer at least ten days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the superintendent and arrange for another date and time for the inspection. If the superintendent and the consumer cannot agree on a date and time, then the superintendent shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required in Section 6-129.

4. The Village Board is hereby appointed as a hearing board to hear differences between the superintendent and any consumer on matters concerning interpretation and execution of the provisions of this ordinance by the superintendent. Any consumer aggrieved by being required to pay the expense of installing, furnishing and/or maintaining a backflow prevention device may, within 14 days of the act or event causing the grievance, request a hearing in writing to present such grievance to the hearing board. Said board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven days and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance and the superintendent shall be entitled to respond thereto, whereupon the hearing board shall render its decision which will be binding upon the consumer and the superintendent.

SECTION 6-129: BACKFLOW/BACKSIPHONAGE REGULATIONS; WHERE PROTECTION IS REQUIRED

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the superintendent a health, plumbing, pollution or system hazard exists.

2. An approved backflow prevention device shall be installed when the following conditions are found by the superintendent to exist:

A. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to a public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from a public water supply system which are no longer under the sanitary control of the owner.

B. Premises having internal cross-connections that, in the judgment of the superintendent, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist.

C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

D. Premises having a repeated history of cross-connections being established or re-established.

3. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a customer's water supply system, when in the judgment of the superintendent, a health, plumbing, pollution or system hazard exists:

A. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.

B. Testing laboratories, film laboratories, film development facilities.

C. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.

D. Food or beverage processing plants.

E. Chemical plants.

F. Metal de-greasing, plating industries, machine tool plants, dye and metal processing or productions.

G. Chemical and petroleum processing or storage plants.

H. Car washes, automobile servicing facilities.

I. Laundries and dry cleaners.

J. Packing houses.

K. Power plants.

L. Premises having radioactive materials such as laboratories, industries, hospitals.

M. Rendering plants.

N. Premises having a water recirculating system as used for boilers or cooling systems.

O. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.

P. Beauty salons, barbershops, massage parlors, health clubs.

Q. Fire suppression systems.

R. Multi-storied buildings greater than three stories in height.

S. Schools, universities, colleges.

T. Other commercial or industrial facilities which may constitute potential cross-connection sites.

SECTION 6-130: BACKFLOW/BACKSIPHONAGE REGULATIONS; TYPE OF PROTECTION REQUIRED

1. The type of protection required under Section 6-129 (1) and 6-129 (2) of this article shall depend on the degree of hazard that exists, as follows:

A. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.

B. An approved dual check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

C. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.

D. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

2. An approved antisiphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve.

SECTION 6-131: BACKFLOW/BACKSIPHONAGE REGULATIONS; BACKFLOW PREVENTION DEVICES

1. Any approved backflow prevention device required by Section 6-129 shall be installed at a location and in a manner approved by the superintendent. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device within 90 days of notice and as directed by the superintendent.

2. Existing backflow prevention devices approved by the superintendent prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of Section 6-131 (1), but only if the superintendent determines that the devices will satisfactorily protect the public water supply system. If deemed necessary for proper testing by the superintendent, 100% closing shut off ball valves for testing shall be provided on existing backflow prevention devices. If the superintendent determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

SECTION 6-132: BACKFLOW/BACKSIPHONAGE REGULATIONS; BOOSTER PUMPS

1. No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises, unless such booster pump is equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less.

2. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order.

SECTION 6-133: BACKFLOW/BACKSIPHONAGE REGULATIONS; YARD HYDRANTS

1. The installation of yard hydrants where installed in hazardous areas where water is available or accessible for drinking or culinary purposes and which have drip openings below ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply.

2. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.

3. All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

SECTION 6-134: BACKFLOW/BACKSIPHONAGE REGULATIONS; FIRE SUPPRESSION SYSTEM

1. All proposed installations of fire suppression systems shall be reviewed by the superintendent to determine the appropriate type of backflow prevention device(s) required.

2. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical grade antifreeze. The consumer shall provide to the superintendent a certification identifying the type of pharmaceutical grade antifreeze which will be used. A dual check valve backflow prevention device shall be installed in an approved manner.

3. A dual check valve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze, but this may be done only when there are no other cross-connections.

4. All existing fire suppression systems shall meet the requirements of subsections 2 and 3 above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical grade antifreeze has been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreeze has been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the superintendent. This also shall be done at the expense of the consumer.

5. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

SECTION 6-135: BACKFLOW/BACKSIPHONAGE REGULATIONS; VIOLATIONS

1. The superintendent shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

A. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the superintendent.

B. It is found that the backflow prevention device has been removed or bypassed.

C. An unprotected cross-connection exists on the premises.

D. A low pressure cutoff required by Section 6-132 is not installed and maintained in working order.

E. The superintendent is denied entry to determine compliance with these regulations.

2. The superintendent shall, without notice to the consumer thereof, immediately deny or discontinue the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The superintendent shall notify the consumer within 24 hours of said denial or discontinuation of service.

3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the superintendent.

SECTION 6-136: BACKFLOW/BACKSIPHONAGE REGULATIONS; APPROVAL STANDARDS

1. Any backflow prevention device required herein shall be of a model and size approved by the superintendent. "Approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled: AWWA C506-69 Standards for Reduced Pressure Principle and Double

Check Valve Backflow Prevention Devices and by the American Society of Sanitary Engineers (ASSE) entitled:

- No. 1001 Pipe Applied Atmospheric Type Vacuum Breakers - ANSI Approved, 1982 - Revised, 1988
- No. 1011 Hose Connection Vacuum Breakers - ANSI Approved, 1982
- No. 1012 Backflow Prevention/Intermediate Atmospheric Vent, 1978
- No. 1013 Reduced Pressure Principle Backflow Preventer, Revised 1988
- No. 1015 Double Check Backflow Prevention Assembly, Revised 1988
- No. 1019 Wall Hydrants, Freezeless, Automatic Draining, Anti-Backflow Types - ANSI Approved, 1978
- No. 1020 Vacuum Breakers, Anti-siphon, Pressure Type - ANSI Approved, 1982
- No. 1024 Dual Check Valve Type Backflow Preventers - ANSI Approved, 1984 - Revised 1988
- No. 1032 Dual Check Valve Type Backflow Preventer for Carbonated Beverage Dispensers, 1980
- No. 1035 Laboratory Faucet Vacuum Breakers - ANSI Approved, 1984
- No. 1048 Double Check Detector Assembly Backflow Preventer, 1989

Said standards and specifications have been adopted by the superintendent. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said standards and specifications.

2. The superintendent shall keep a current list of all certified suppliers and their appropriate list of makes and models of backflow prevention devices which he/she has deemed approved.

3. The superintendent may require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of strainers shall preclude the fouling of backflow devices due to foreseen and unforeseen circumstances occurring to the water supply system, such as water main repairs, water main breaks, fires, periodic cleaning and

flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow devices.

SECTION 6-137: BACKFLOW/BACKSIPHONAGE REGULATIONS; LIABILITY CLAIMS

The superintendent shall be relieved from personal liability. The Village shall hold harmless the superintendent, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this code or by reason of any act or omission of the superintendent in the discharge of his/her duties hereunder. Any suit brought for carrying out the provisions of the code shall be defended by the Village or the Village's insurance carrier, if any, through final determination of such proceeding.

SECTION 6-138: DROUGHT EMERGENCY CONTINGENCY PLAN

The Village shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more stringent in water use than the previous stage, since there will be a greater deterioration in water supply conditions. The village chairman is hereby authorized to implement the appropriate conservation measures as set forth in this section when any of the conditions have been reached which would qualify for any of the specific stages. The chairman is given discretion to declare each stage as he/she deems appropriate by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

STAGE ONE: WATER WATCH

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

1. Ground water levels have fallen 5 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Demand for one day is in excess of 300,000 gallons per day.

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

C. MANAGEMENT ACTIONS:

1. Leaks will be repaired within 48 hours of detection.
2. The Village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

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

STAGE TWO: WATER WARNING

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

1. Ground water levels have fallen below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Plant operations are at 80% capacity for more than three consecutive days.
4. Demand for one day is in excess of 300,000 gallons per day.

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

C. MANAGEMENT ACTIONS:

1. Water supply will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. Village will curtail its water usage, including watering of village grounds and washing of vehicles.

D. REGULATION ACTIONS: In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the chairman:

1. An odd/even lawn watering system will be imposed on village residents. Those with odd-numbered houses will water on odd days and even-numbered houses on even days.
2. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m.
3. Refilling of swimming pools will be limited to one day a week after sunset.
4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
5. Waste of water will be prohibited.

STAGE THREE: WATER EMERGENCY

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

1. Ground water levels have fallen 15 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Pumping lowers water levels to within 5 feet of the top of the well screens.
4. Plant operations are at 90% capacity for more than three consecutive days.
5. Demand for one day is in excess of 300,000 gallons per day.

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

C. EDUCATION ACTIONS:

1. The Village will make news releases to local media describing current conditions and indicate the water supply outlook.
2. The Village will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

D. MANAGEMENT ACTIONS:

1. The village water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumpage at wells will be reduced to decrease draw-down and to maintain water levels over well screens.
5. The Village will seek additional emergency supplies from other users and the state and federal governments.

E. REGULATION ACTIONS: In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the chairman:

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

F. ENFORCEMENT: In the event that any water consumer fails to comply with the regulatory action taken by the Village, then the village chairman may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the chairman being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed.
(Ord. No. 2013-7-8, 7/8/13)

ARTICLE II - SEWER DEPARTMENT

SECTION 6-201: TERMS DEFINED

The term "biological oxygen demand" shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° Centigrade, expressed in parts per million by weight.

The terms "building drain" and "house drain" shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of any building or house.

The terms "building sewer" and "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.

The term "garbage" shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

The term "local ventilating pipe" shall mean and include any pipe through which foul air is removed from a room or fixture.

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

The term "plumbing fixtures" shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

The term "properly shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than 1/2 inch in diameter.

The term "sanitary sewer" shall mean and include a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

The term "sewage" shall mean and include 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.

The term "sewer system" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

The term "soil pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

The term "storm sewer" shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

The term "suspended solids" shall mean and include solids that either float on the surface of or are in immersion in water, sewage or other liquids, and are removable by filtering.

The term "trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

The term "trap seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

The term "vent pipe" shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

The term "waste pipe" shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe or waste stack.

SECTION 6-202: OPERATION AND FUNDING

The Village owns the sewer system and operates the same through the utilities superintendent, who shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. The utilities superintendent 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 Village Board, for the purpose of defraying the cost of the management and maintenance of the village 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.

Source: Neb. Rev. Stat. §17-925.01

SECTION 6-203: SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any human or animal excrement, garbage or other

- objectionable waste on public or private property within the Village, or in any area under the jurisdiction of said village.
- B. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
 - C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
 - D. The owner of all houses, buildings or other facilities used for human occupancy, 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/her 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 article within 45 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.
 - E. The Village shall install and maintain the main and "Y"s for each user connection. The customer shall install and maintain at his/her expense that portion of the service from the "Y" on the main to his/her premises. The size and slope of the building sewers shall be subject to the approval of authorized personnel of the Village, but in no event shall the diameter be less than four inches. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor.

SECTION 6-204: PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of Section 6-203,D above, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utilities superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the utilities superintendent. A permit and inspection fee as set by the Village Board shall be paid to the village clerk at the time the application is filed. Such fee shall be set by resolution of the Village Board and may be amended from time to time. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the utilities superintendent. He/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 utilities superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of receipt of notice by the utilities

superintendent. The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and/or rules and regulations of the Department of Health and the Department of Environmental Control 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 100,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer within 45 days in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

SECTION 6-205: SEWER CONTRACT

The Village through the village 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 Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village, as and when, according to law, the Village Board may see fit to do so. The rules, regulations and sewer rental rates hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between the Village and 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 Village, to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his/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 said building or premise shall again be made save or except by order of the superintendent or his/her agent.

SECTION 6-206: SERVICE CONTRACTS

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premise where service is furnished or if the said premise is destroyed by fire or other casualty, he/she shall at once

inform the utilities superintendent, who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he/she shall be charged for that period of time until the utilities superintendent is otherwise advised of such circumstances.

SECTION 6-207: SERVICE TO NON-RESIDENTS

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

Source: Neb. Rev. Stat. §19-2701

SECTION 6-208: INSTALLATION 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, without warning lights. After any house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 48 hours or more, the utilities superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant or lessee of the property. All installations of any building sewer require an inspection by the utilities superintendent, the building inspector or a competent plumber when the connections are completed and before the building sewer is covered. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for inspection. All installation shall be done under supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the utilities superintendent; provided that the said rules, regulations and specifications have been reviewed and approved by the Village Board.

SECTION 6-209: INSTALLATION EXPENSE

The customer, upon approval for sewer service, shall pay to the utilities superintendent a tap fee which shall compensate the Village for the expense of processing his/her application and tapping the sewer main. Said tap fee shall be in an amount set from time to time by resolution of the Village Board. The utilities superintendent, in his/her discretion, may direct the customer to hire a plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a plumber

and shall pay all other costs of installation.

SECTION 6-210: SEPARATE CONNECTIONS

A separate and independent building sewer shall be provided for each building; except 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 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. Other exceptions will be allowed only by special permission granted by the utilities superintendent.

SECTION 6-211: REPAIRS AND REPLACEMENT

The village 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.

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

SECTION 6-212: SERVICE INTERRUPTIONS

The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

SECTION 6-213: INSPECTIONS

The chief sewer official or his/her authorized agents shall have free access at any reasonable time to all parts of each premise and building which is connected with the sewer system to ascertain whether there is any disrepair or violations of this article therein.

SECTION 6-214: PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER, AND MECHANICAL USE OF WATER

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundations drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer. No person shall discharge or cause to be discharged into any sanitary sewer water from any mechanical usage, including water heat pumps and water-cooled air conditioners, other than specifically exempted industrial use, as defined in this section.

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 water may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Village for such costs. The costs shall be determined by the superintendent with the approval of the Village Board.

SECTION 6-215: SPECIAL EQUIPMENT

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

SECTION 6-216: MANHOLE

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 6-217: PROTECTION FROM DAMAGE

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 disorderly conduct.

SECTION 6-218: REPAIRS AND MAINTENANCE

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

SECTION 6-219: CLASSIFICATION

The Board may classify the customers of the village sewer department for the purpose of sewer use fees; provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

Source: Neb. Rev. Stat. §17-925.02

SECTION 6-220: SEWER BILLS

Sewer fees in a flat rate of \$5.00 per month will be charged to each user and will be due and payable at the same time and in the same manner as water bills are due and payable under Section 6-110. All penalties and procedures concerning delinquent accounts with the village water department shall also be applicable to delinquent accounts with the village sewer department. (Amended December 16, 2002, Ord. No. 02-05-04)

SECTION 6-221: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer use fee 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 sewer use fees. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for sewer use, together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

Source: Neb. Rev. Stat. §17-925.01

SECTION 6-222: SEWER USE RATES

The chairman and Board of Trustees shall have the power to fix the rates and charges to be paid by customers of the village sewer system. All such fees and charges shall be set from time to time by resolution of the Village Board. Such fees and charges shall be on file for public inspection at the office of the village clerk.

SECTION 6-223: LICENSED PLUMBER

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without having a current plumber's license issued by the Village pursuant to Section 4-106 and complying with the rules and regulations of the utilities superintendent; provided that nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

SECTION 6-224: PLUMBER'S LIABILITY

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

SECTION 6-225: VIOLATIONS; PENALTY; LIABILITY

Any person found to be violating any provision of this ordinance except Section 6-217 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any amount not exceeding that permitted by Nebraska law for violation of a misdemeanor. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasion the Village by reason of such violation.

ARTICLE III - GARBAGE AND WASTE DISPOSAL

SECTION 6-301: DEFINITIONS

In the administration of this article, the following definitions shall prevail:

"Garbage" 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" 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" shall mean cinders, ashes, plaster, brick, stone, sawdust or sand.

SECTION 6-302: CONTRACT FOR VILLAGE-WIDE COLLECTION

The chairman and Board of Trustees shall from time to time enter into a contract with reputable trash collection companies for the collection, transportation and disposal of all garbage, rubbish, trash and waste generated in the Village.

SECTION 6-303: WASTE RECEPTACLES

Every householder or occupant of any dwelling house, apartment or other building used for the housing of persons, and the owner, keeper or manager of every hotel, restaurant, store, wholesale business and retail business, or other place where garbage accumulates in the Village shall provide one or more suitable metal garbage can(s) of at least ten gallon capacity which shall be watertight and fly-proof, shall have a close fitting lid and two handles thereon, and which shall be placed on the premises occupied by said person or business so that such can(s) can be easily reached by the garbage collector; provided, said garbage can(s) shall be kept in the rear of the premises, in the basement or in passageways most accessible to the collector and never upon the street, alley or sidewalk; and all such vessels where not easily accessible shall be promptly delivered to the collector when called for. The same shall not be used for the reception of garbage by more than one family, householder, hotel, restaurant, store, wholesale or retail business, and all garbage created by or upon the premises occupied by said person shall be disposed of in said garbage cans, which shall be kept tightly covered at all times.

The Village shall have the authority to require the owners, managers, or renters of restaurants, hotels, meat markets, stores, retail businesses, wholesale businesses, and other places where garbage accumulates in quantities to furnish a sufficient number of receptacles to take care of such accumulations. Failure to

obey any such order or regulation of the Village shall be construed as a violation of this article and punishable as hereinafter provided.

SECTION 6-304: DEAD ANIMALS

The owner of any animals shall forthwith upon the death of the same notify the proper department of the Village so that such dead animal can be removed by the village garbage and waste collection service. It shall be unlawful for any person to bury any animal within the corporate limits of the Village.

SECTION 6-305: REFUSE COLLECTION VEHICLES

Any person hauling refuse as defined herein shall haul the same in watertight wagons, motor trucks or conveyances, and said wagons, motor trucks and other conveyances shall be kept clean at all times. All wagons, motor trucks and other conveyances shall be kept painted and in a sanitary and sightly condition. All containers used for hauling, whether in the form of wagon containers or separate containers used in a wagon, motor truck or other conveyance, shall consist of covered galvanized tanks or 30 gallon drums which shall, in either case, be securely covered, and containers must be painted on the outside and cleaned on the inside so that the same may not become offensive to the eye or in an unsanitary condition.

SECTION 6-306: PERMITS REQUIRED

No person shall haul garbage, rubbish, trash or waste in the Village commercially without first applying for a permit from the chairman and Board of Trustees.

No person shall throw, deposit, dump or bury any waste, trash, garbage or rubbish as defined herein on any land, public or private, within one mile of the Village without first having obtained a permit from the Village Board.

ARTICLE IV - UTILITIES GENERALLY

SECTION 6-401: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

No village utility shall discontinue service to any domestic subscriber for non-payment 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. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Public Welfare.

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

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.

Source: Neb. Rev. Stat. §70-1603, 70-1604

SECTION 6-402: DIVERSION OF SERVICES; PENALTY

The Village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (a) bypassing, (b) tampering, or (c) 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.

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:

A. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

B. Liquidation damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

In addition to damage or loss under subdivision A or B of this section, 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 attorneys' fees in cases within the scope of Section 25-1801 R.R.S. Neb. 1943.

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 (a) 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 (b) 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.

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.

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.

Source: Neb. Rev. Stat. §86-331.01 through 86-331.04

SECTION 6-403: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE

Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the Village, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

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 water passing through it, without the knowledge and consent of the Village shall be deemed guilty of an offense.

When water service has been disconnected pursuant to Section 70-1601 to 70-1615 R.S. Neb., or Section 6-401 of this code, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration or obstruction is proved to exist.

Source: Neb. Rev. Stat. §86-329 through 86-331

ARTICLE V - PENAL PROVISION

SECTION 6-501: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter VI hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and be fined in an amount of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.