

**TITLE V: PUBLIC WORKS**

Chapter

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## CHAPTER 50: UTILITIES GENERALLY

### Section

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### § 50.01 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) Bills not paid by the last business day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, the Village Clerk shall give notice that the account is delinquent to the consumer by first-class mail. If notice is given by first-class mail, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days.

(B) Delinquent notices shall contain the following information:

- (1) The reason for the proposed disconnection;
- (2) A statement of intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;
- (3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- (4) The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;
- (5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- (6) A statement that the utility may not disconnect service pending the conclusion of the conference;

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(7) A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, as outlined in § 50.01(C) below;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

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

(11) Any additional information not inconsistent with this section which has received prior approval from the Board of Trustees.

(C) Disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section, excluding holidays and weekends, and shall prevent the disconnection of the utility's service for a period of at least 30 days from such filing. Only one postponement of disconnection shall be allowed for each incidence of any due date.

(D) Disconnection may be postponed for a specific time if the domestic subscriber reaches an agreement with the utility regarding payment of the bill.

(E) If a consumer has any dispute over the proposed disconnection, they have the right to file a written request for a conference prior to the disconnect date. The Village Clerk will schedule a conference within 14 days after the written request and notify the consumer in writing by first-class mail of the time and place it will be held. The disconnection will not be made until the conference is concluded.

(F) In the event that the bill is not paid by the disconnection date given in the notice, a payment plan agreement has not been reached with the Village Clerk, or a written request for a conference has not been received, it shall be the duty of the Utility Superintendent to cut off service to the property on or after the day and time given in the notice.

(G) If service is discontinued and a disconnect is made, there will be a disconnect charge as set out in § 50.01(H) below. If service is discontinued and a disconnect made, service will be continued and reconnection made upon payment in full of the delinquent account, payment of the deposit required in § 52.33, payment of the disconnect charge, and payment of the reconnection charge.

(H) In the event the reconnection of service is made during regular working hours, the reconnection charge shall be \$75. In the event the reconnection of service is made after hours, on weekends or holidays, the reconnection charge shall be \$150.

(I) This section shall not apply to any disconnections or interruptions of services made necessary by the village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(1976 Code, § 3-1001) (Ord. 112, passed 11-5-1979; Ord. 172, passed 7-1-1985; Ord. 207, passed 12-7-1987; Ord. 290, passed 2-9-1998; Ord. 508, passed 2-8-2021)

**§ 50.02 DIVERSION OF SERVICES.**

(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 the act results in damages to a municipal utility. A 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 the amount of the damage or loss is susceptible of reasonable calculation; or

(2) Liquidated damages of: until July 1, 1985: \$500; and on July 1, 1985, and thereafter: \$750, if the amount of actual damage or loss is not susceptible of reasonable calculation.

(C) In addition to damage or loss under divisions (B)(1) or (2) above, 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 Neb. RS 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 the bypassing, tampering or unauthorized metering if the tenant or occupant: had access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering is proven to exist; and was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

(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 the bypassing, tampering or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering was proven to exist.

(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.

(1976 Code, § 3-1002) (Ord. 514, passed 9-27-1983; Ord. 185, passed 4-7-1986)

### **§ 50.03 METER TAMPERING; UNAUTHORIZED RECONNECTION; EVIDENCE.**

(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 water without the knowledge and consent of the village, in a manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current or 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 electricity, electric current or water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

(B) Any person who willfully injures, alters or by any instrument, device or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity or water passing through it without the knowledge and consent of the village shall be deemed guilty of an offense.

(C) When electrical or water service has been disconnected pursuant to Neb. RS 70-1601 to 70-1615, or § 50.01 of this municipal code, any person who reconnects the service without the knowledge and consent of the village shall be deemed guilty of an offense.

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

(1976 Code, § 3-1003) (Ord. 270, passed 4-8-1996; Ord. 508, passed 2-8-2021) Penalty, see § 50.99

### **§ 50.04 LATE FEES.**

There shall be a 15.95% late fee applied to any unpaid utility account which is not paid on or before the last business day of the same month in which the statement is dated and forwarded to the customer of the village from whom utility service is being provided. The late fee shall be added to the next following monthly statement.

(Ord. 379, passed 5-10-2010; Ord. 500, passed 5-13-2019)

**§ 50.05 UTILITY BILLS.**

(A) Utility bills shall be due and payable monthly at the office of the Village Clerk. The Utilities Superintendent shall direct the Village Clerk to charge and collect from each customer for the amount of water consumed since the last examination together with sewer charges, garbage charges, and any other charges, properly itemized and as applicable.

(B) Bills shall be mailed on the last business day of each month and shall be due by the twenty-sixth of the following month. Bills not paid by the last business day of each month due shall be deemed to be delinquent. Upon being deemed to be delinquent, the Village Clerk shall give notice to the consumer by first-class mail. If notice is given by first-class mail, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days.

(Ord. 508, passed 2-8-2021)

**§ 50.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(1976 Code, § 3-1201) (Ord. 339, passed 10-9-2000)

***Statutory reference:***

*Related provisions, see Neb. RS 17-207, 17-505, 18-1720 and 18-1722*





## CHAPTER 51: GARBAGE; SOLID WASTE

### Section

- 51.01 Definition
- 51.02 Garbage, trash and waste
- 51.03 Authority
- 51.04 Notice; removal
- 51.05 Nuisance
- 51.06 Lien
- 51.07 Solid waste; liability for charges; proof of proper disposal
- 51.08 Rates for garbage

### ***Cross-reference:***

*Late fees, see § 50.04*

### **§ 51.01 DEFINITION.**

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

***GARBAGE.*** Kitchen refuse, decayed waste, dead animals or anything that may decompose and become offensive to the public health.  
(1976 Code, § 4-201)

***RUBBISH or TRASH.*** Discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the village.  
(1976 Code, § 4-202)

***WASTE.*** Cinders, ashes, plaster, brick, stone, sawdust or sand.  
(1976 Code, § 4-203)

**§ 51.02 GARBAGE, TRASH AND WASTE.**

(A) It shall be unlawful for any person to keep in, on, or about any dwelling, building or premise, or any other place in the village, decayed vegetable or animal substance, garbage or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the village unless the same is kept in receptacles as nearly air-tight as may be practical.

(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.

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

(D) Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening.

(1976 Code, § 4-204) Penalty, see § 10.99

***Statutory reference:***

*Related provisions, see Neb. RS 19-2106*

**§ 51.03 AUTHORITY.**

The governing body for the village may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting the lot or land which constitutes a public nuisance. The village may require the owner, duly authorized agent, or tenant of the lot or land to remove the garbage or refuse from the lot or land and streets, roads or alleys.

(1976 Code, § 4-205) (Ord. 212, passed 9-6-1989)

**§ 51.04 NOTICE; REMOVAL.**

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. The notice shall be provided by personal service or by certified mail. After providing the notice, the village through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot or land and streets, roads or alleys.

(1976 Code, § 4-206) (Ord. 212, passed 9-6-1989)

**§ 51.05 NUISANCE.**

If the Chairperson declares that the accumulation of 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 the lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with § 51.04 above if the garbage or refuse has not been removed.

(1976 Code, § 4-207) (Ord. 212, passed 9-6-1989)

**§ 51.06 LIEN.**

Whenever a village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this chapter, it shall, after a hearing conducted by the governing board, assess the cost of the removal against the lot or land.

(1976 Code, § 4-208) (Ord. 212, passed 9-6-1989)

**§ 51.07 SOLID WASTE; LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL.**

(A) The governing body has separately established charges to be paid to it by each person whose premises are served by the municipal solid waste collection system.

(B) For purposes of those charges, a person's premises are deemed to be served by the municipal solid waste collection system and the owner and occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the governing body that:

(1) The premises are unoccupied; or

(2) The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations and ordinances.

(C) Proof of proper disposal during the applicable billing period may be provided by means of any of the following:

(1) A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;

(2) A billing receipt or register tab from a duly permitted transfer station or disposal facility or landfill for solid waste received during the applicable billing period; or

(3) Other documentation of proper disposal as may be acceptable to the governing body.  
(1976 Code, § 4-209) (Ord. 324, passed 3-6-2000)

**Statutory reference:**

*Related provisions, see Neb. RS 13-2020*

**§ 51.08 RATES FOR GARBAGE.**

Effective January 1, 2018, all customers of the Municipal Garbage Department shall be charged the following rates for garbage service. Rates, as set by ordinance, shall be on file in the office of the Municipal Clerk for public inspection at any reasonable time.

Rates are per month for one dump per week	
Residential rates:	
Within village limits	\$23.72
Outside of the village limits	\$26.84
Commercial rates:	
Small business (shared dumpster)	\$26.84
Commercial (1 dumpster)	\$34.24
Heavy commercial (2 dumpsters)	\$63.50
Per each requested extra dump	\$21.72
School rates:	\$240.26

(Ord. 378, passed 5-10-2010; Ord. 431, passed 12-9-2013; Ord. 482, passed 12-11-2017)

## CHAPTER 52: GENERAL WATER PROVISIONS

### Section

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52.99 Penalty

***Cross-reference:***

*Late fee, see § 50.04*

***GENERAL PROVISIONS*****§ 52.01 OPERATION AND FUNDING.**

(A) The village owns and operates the Village Water Department through the Utilities Superintendent. The governing body for the purpose of defraying the cost of the care management, and maintenance of the Village 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.

(B) The revenue from the 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 Department and shall faithfully carry out the duties of his or her office.

(C) The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the governing body. The governing body 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 at any reasonable time.

(1976 Code, § 3-101)

***Statutory reference:***

*Related provisions, see Neb. RS 17-531, 17-534 and 19-1305*

**§ 52.02 DEFINITIONS.**

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

**MAIN.** Any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the village.

**SEPARATE PREMISE.** More than one consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building or structure used for a separate business.

**SERVICE PIPE.** Any pipe extending from the shut-off, stop box or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be dispersed.

**SUPPLY PIPE.** Any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer’s premise where the shut-off, stop box or curb cock is located.  
(1976 Code, § 3-102)

**§ 52.03 CONSUMER’S APPLICATION.**

Every person or persons desiring a supply of water must make application therefor to the Village Clerk. The Clerk shall then forward the application to the Utilities Superintendent. Water may not be supplied to any house or private service pipe except upon the order of the Superintendent.  
(1976 Code, § 3-103)

**Statutory reference:**

*Related provisions, see Neb. RS 17-537, 19-2701*

**§ 52.04 WATER CONTRACT.**

(A) The village, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid; provided, however the village through its Water Department, shall only furnish one supply pipe for every 50 feet of premises abutting a street.

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

(C) The rules, regulations and water rates hereinafter named in this chapter, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served.

(D) Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to the consume shall constitute a contract between the consumer and the village, to which contract both parties are bound. If the consumer shall violate any of the provisions of the contract or any reasonable rules and regulations that the governing body may hereafter adopt, the Utilities Superintendent or his or her agent may cut off or disconnect the water service from the building or premise or place of the violation.

(E) No further connection for water service to the building, premise or place shall again be made save or except by order of the Superintendent or his or her agent.  
(1976 Code, § 3-104) (Ord. 133, passed 5-4-1981)

#### **§ 52.05 INSTALLATION PROCEDURE.**

(A) Upon approval of a consumer's application, the village shall tap the village main and install the supply pipe from the village main to or near the consumer's lot line, including corporation cock, and curb stop. The consumer shall then be responsible for installation of the service pipe from the lot line to the premises to be served.

(B) 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.

(C) No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer.

(D) 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 dirt work is completed and the service is restored.



(E) It is the customer's responsibility to notify the Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for the installation by the Utilities Superintendent; provided that the rules, regulations and specifications have been reviewed and approved by the governing body.

(1976 Code, § 3-105)

**Statutory reference:**

*Related provisions, see Neb. RS 17-537*

**§ 52.06 INSTALLATION EXPENSE.**

(A) The consumer, upon approval of his, her or its application, shall pay to the Village Clerk a tap fee in an amount based on the actual expense, including, but not limited to, all labor costs and material costs, incurred by the village to bring the water service to the consumer's lot line.

(B) The consumer shall then pay the cost of installation and pipe from the lot line to the place of disbursement, including but not limited to, all labor costs and material costs, incurred by the village.

(C) In addition, the consumer shall pay a fee for the Utility Superintendent to turn on the water at the stop box, in an amount equal to the monthly residential and commercial water rate prescribed pursuant to § 52.09 below.

(D) Every consumer shall pay a monthly rate pursuant to the amount set forth in § 52.09 below. The monthly water rate shall be due from each consumer.

(E) In the event more than one house, apartment, trailer, place of abode or business is being furnished with water from a common supply pipe, then the monthly water rates shall be due from each consumer furnished water to his, her or its house, apartment, trailer, place of abode or business being furnished with water by the supply pipe.

(1976 Code, § 3-106) (Ord. 133, passed 5-4-1981; Ord. 232, passed 2-8-1993)

**Statutory reference:**

*Related provisions, see Neb. RS 17-542*

**§ 52.07 TURN-ON FEES; REPAIRS.**

(A) All consumers shall pay a fee for the Utilities Superintendent to turn on the water at the curb stop (stop box) when they initially open their account in the amount of \$35 unless the water is already on.

(B) Any and all repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property that belongs to the Water Department shall be made by the village. (1976 Code, § 3-107) (Ord. 133, passed 5-4-1981; Ord. 500, passed 5-13-2019)

***Statutory reference:***

*Related provisions, see Neb. RS 17-542*

**§ 52.08 FEES AND COLLECTIONS.**

(A) The governing body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department.

(B) All fees shall be on file for public inspection at the office of the Village Clerk.

(C) The Utilities Superintendent shall bill the consumers and collect all money received by the village on the account of the Water Department.

(D) He or she shall faithfully account for, and pay to the Village Treasurer all revenue collected by him or her, taking his or her receipt therefor in duplicate, filing one in the Water Department's official records and keeping the other on file in the Clerk's records.

(1976 Code, § 3-108)

***Statutory reference:***

*Related provisions, see Neb. RS 17-540*

**§ 52.09 MINIMUM RATES.**

Effective no sooner than May 1, 2019, the following water service rates shall be applicable on a monthly billing basis to all consumers, either within or outside of the corporate limits of the village, connected to the municipal water system unless and until the consumers by verbal or written order direct the Utilities Superintendent to shut off the water at the curb stop (stop box), in which case he or she shall not be liable thereafter for water service until the water is turned on again:

## General Water Provisions

	<i>Water Rate (Per month)</i>
Residential	\$47.51
Commercial	\$47.51
Outside city limits	\$77.50
Schools	\$661.82

(1976 Code, § 3-109) (Ord. 107, passed 5-7-1979; Ord. 123, passed 12-1-1980; Ord. 162, passed 9-4-1984; Ord. 178, passed 12-2-1985; Ord. 232, passed 2-8-1993; Ord. 246, passed 10-9-1995; Ord. 248, passed 11-6-1995; Ord. 305, passed 7-6-1998; Ord. 368, passed 7-6-2009; Ord. 403, passed 11-5-2012; Ord. 459, passed 10-12-2015; Ord. 499, passed 4-8-2019)

### § 52.10 RESERVED.

### § 52.11 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the village for water service furnished, the 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 June 1 of each year to report to the governing body a list of at unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the governing body, shall be certified by the Village Clerk to the County Clerk to be collect as a special tax in the manner provided by law.

(1976 Code, § 3-111)

#### **Statutory reference:**

*Related provisions, see Neb. RS 17-538*



**§ 52.12 SINGLE PREMISE.**

No consumer shall supply water to other families or allow them to take water from his or her premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through the meter to cause the meter to register inaccurately.

(1976 Code, § 3-112) Penalty, see § 52.99

***Statutory reference:***

*Related provisions, see Neb. RS 17-537*

**§ 52.13 RESTRICTED USE.**

(A) The governing body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause.

(B) 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.

(1976 Code, § 3-113)

***Statutory reference:***

*Related provisions, see Neb. RS 17-537*

**§ 52.14 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 Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

(1976 Code, § 3-114) Penalty, see § 52.99

**§ 52.15 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.  
(1976 Code, § 3-115) Penalty, see § 52.99

**Statutory reference:**

*Related provisions, see Neb. RS 17-536*

**§ 52.16 MANDATORY HOOKUP.**

All persons within 300 feet of a water main shall be required, upon notice by the governing body, to hookup with the municipal water system.  
(1976 Code, § 3-116) Penalty, see § 52.99

**Statutory reference:**

*Related provisions, see Neb. RS 17-539*

**§ 52.17 WATER SERVICE CONTRACTS.**

(A) 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.

(B) If any consumer shall move from the premise where service is furnished, or if the premise is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the premise.

(C) If the consumer should fail to give the notice, he or she shall be charged for all water used on the premise until the Utilities Superintendent is otherwise advised of the circumstances.  
(1976 Code, § 3-117)

**Statutory reference:**

*Related provisions, see Neb. RS 17-537*

***SPECIFIC PROVISIONS***

**§ 52.30 INSPECTION.**

The Utilities Superintendent, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the

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purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

(1976 Code, § 3-118)

***Statutory reference:***

*Related provisions, see Neb. RS 17-537*

**§ 52.31 DESTRUCTION OF PROPERTY.**

(A) 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.

(B) 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.

(1976 Code, § 3-119) Penalty, see § 52.99

**§ 52.32 FLUORIDE PROHIBITED.**

Fluoride shall not be added to the water supply of the village.

(1976 Code, § 3-121)

**§ 52.33 DEPOSITS.**

(A) All new consumer accounts for utility services in the village shall pay to the village the sum of \$203 as a deposit for utility service commencing June 1, 2019. Said deposits must be paid in full before any utility service will be delivered to the consumer unless written payment arrangements have been made with the Village Clerk.

(B) A consumer who has paid all prior utility indebtedness at another location within the village on or before the indebtedness became due for a period of one year immediately preceding the application for new utility service shall not be required to make such deposit.

(C) The deposit will be refunded to the consumer after termination of service or continued occupancy and the consumer has maintained a payment history for utility charges void of any delinquent notices, shut-offs or non-sufficient funds payments for a period of two years.

(D) Upon the termination of service, the deposit or any portion of the deposit remaining shall be returned to the consumer in a check after all other utility charges have been paid.

(1976 Code, § 3-122) (Ord. 158, passed 2-6-1984; Ord. 432, passed 12-9-2013; Ord. 463, passed 4-11-2016; Ord. 500, passed 5-13-2019)





**§ 52.34 UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT.**

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

(B) At least one time every five years, customers of the municipal water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the village on a form supplied by the village to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Utilities Superintendent. (1976 Code, § 3-123) (Ord. 229, passed 12-7-1992) Penalty, see § 52.99

**§ 52.35 BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING; AND APPEALS PROCESS.**

(A) A Cross-Connection Control Officer shall be appointed by the Board of Trustees of the village to oversee the enforcement of this section. This person shall be responsible for reviewing the surveys submitted by the customers of the Village Water Department and determining if a backflow prevention device is required to comply with Title 179, NAC2, Regulations Governing Public Water Supply Systems.

(B) All customers of the Village Water Department shall be required to report to the Cross-Connection Control Officer any potential cross connections which may be on their premises. This report shall be made at least every five years.

(C) A customer of the Village Water Department may be required by the Cross-Connection Control Officer to install and maintain a properly located backflow prevention device at the customer's expense appropriate to the potential hazard as set forth in Title 179, NAC 2, Regulations Governing Public Water Supply Systems and approved by the Cross Connection Control Officer.

(D) The customer shall make application to the Cross-Connection Control Officer 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 backflow device to be installed including make and model number, and the location of the proposed installation.

(E) The Cross-Connection Control Officer shall approve or disapprove the application based on whether the installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.

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(F) When a testable backflow prevention device shall be required, the customer shall also certify to the village at least one time annually that the backflow prevention device has been tested by a State Health and Human Services System Grade VI Certified Water Operator. The certification shall be made on a form provided by the State Health and Human Services System Grade VI Certified Water Operator. The Village shall annually send notice to the customers with testable backflow prevention devices by first class mail at least 30 days before the annual testing is due giving the customer the date the testable backflow prevention device becomes non-compliant.

(G) The Cross-Connection Control Officer shall immediately deny or discontinue, without notice to the customer thereof, 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 Cross-Connection Control Officer shall notify the customer within 24 hours of said denial or discontinuation of service.

(H) Any decision of the Cross-Connection Control Officer may be appealed to the Board of Trustees, whose decision shall be final.

(I) Any customer refusing to report on possible cross connections on their premises, refusing to install the necessary backflow prevention device, failing to have a testable backflow prevention device tested at least annually, or failing to provide the village with proof of having a testable backflow prevention device tested from a State Health and Human Services System Grade VI Certified Water Operator at least annually shall be in violation of this section and may have their water service discontinued. Any customer who has had their service discontinued for violation of this section shall be subject to a \$50 reconnect fee to have the service reinstated after supplying proof that the potential cross connection has been eliminated or properly protected.

(J) Any customer aggrieved by receiving notice of the required annual testing, being required to pay the expenses of installing, furnishing and/or maintaining a backflow prevention device may, within 14 days of the date of the notice, act or event causing the grievance, request a hearing in writing to present such grievance to the Board of Trustees. The Board shall schedule the matter for a hearing within 30 days of the of the written request for a hearing, and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least ten days before the hearing date. At the hearing, the consumer shall state the nature of the grievance and the Cross-Connection Control Officer shall be entitled to respond thereto, whereupon the Board shall render its decision which will be binding upon the consumer and the Cross-Connection Control Officer.

(K) Any customer failing to have a testable backflow prevention device tested at least annually and/or failing to provide the village with proof of having a testable backflow prevention device tested at least annually shall be required to attend a hearing with the Board of Trustees once the customer has been non-compliant for 30 days. The Board shall schedule a hearing within 30 days after the customer has been non-compliant for 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 ten days before the hearing date. At the hearing, the

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consumer shall state the why their water service should not be immediately discontinued until the property is in compliance with this section, whereupon the Board shall render its decision which will be binding upon the consumer.

(1976 Code, § 3-124) (Ord. 230, passed 12-7-1992; Ord. 351, passed 9-8-2003; Ord. 462, passed 3-14-2016)

**§ 52.36 PURPOSE OF REGULATIONS.**

(A) The purpose of this section through § 52.38 below is to adopt a plan for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the village in the event such a watch, warning or emergency is declared.

(B) The plan shall be named the Village Water Conservation, Drought and Emergency Contingency Plan.

(1976 Code, § 3-125) (Ord. 347, passed 8-5-2002)

**§ 52.37 CLASSES OF USES OF WATER ESTABLISHED.**

The following classes of water use are hereby established for users of water on the village water system:

(A) *Class 1.* Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure;

(B) *Class 2.* Water used for any commercial or industrial, including agricultural, purpose: except water actually necessary to maintain the health and personal hygiene of bona fide employees while the employees are engaged in the performance of their duties at their place of employment;

(C) *Class 3.* Domestic usage, other than that which would be included in either Classes 1 or 2; and

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(D) *Class 4.* Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.  
(1976 Code, § 3-126) (Ord. 347, passed 8-5-2002)

**§ 52.38 WATER CONSERVATION.**

(A) *Definitions.* For the purpose of §§ 52.36 through 52.38, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONSUMER.** The customer of record using water for any purpose from the village distribution system and for which a regular charge is made.

**DRAW DOWN.** The distance between the static water level and the pumping water level.

**PLAN.** The Water Conservation, Drought and Emergency Contingencies Plan adopted by the village.

**PUMPING WATER LEVEL.** The level of water in a well when the pump is pumping.

**STATIC WATER LEVEL.** The level of water in a well when the pump is not pumping.

**TRIGGERS.** Significant events which indicate the implementation of the different stages of this plan.

**WASTE OF WATER.** Includes but is not limited to:

- (a) Permitting water to escape down a gutter, ditch or other surface drain;
- (b) Failure to repair a controllable leak of water due to defective plumbing; or
- (c) As determined by the Utilities Superintendent.

**WATER.** Water available to the village by virtue of its water rights introduced by the village into its water distribution system.

**WATER SYSTEM CAPACITY.** For the purposes of this plan, water system capacity is determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The Utilities Superintendent shall determine the **WATER SYSTEM CAPACITY** on a weekly (or daily) basis from the months of May through October.

**WATER SYSTEM DEMAND.** Master water meters on each well must be read daily. Daily consumption is calculated by subtracting the previous day reading from the current day and added together for each well. **WATER SYSTEM DEMAND** is determined by dividing the daily consumption by the same population number used in determining the water system capacity. This value is expressed in gallons per capita per day (gpcd).  
(1976 Code, § 3-127)

(B) *Water plan established.* In order to assure the continued supply of safe drinking water to the citizens of the village, the Board of Trustees adopts the following plan addressing conservation, drought and emergency contingencies. The plan is based upon demand on the system and implements a series of stages depending upon the severity of the demand.  
(1976 Code, § 3-128)

(C) *Water conservation; exit strategy.* It shall be the responsibility of the Board of Trustees to monitor changing conditions and notify consumers of the end of each stage by posting in three prominent places throughout the community.

(1) *Stage 1: Water Watch.*

(a) *Triggers.* This stage is triggered by any one of the following conditions:

1. When the calculated water system demand equals 50% of the calculated water system capacity; and/or
2. When the draw down of the wells is more than normal for that time of year as determined by the Utilities Superintendent.

(b) *Goals.* The goals of this stage are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

(c) *Education actions.*

1. The village will make occasional news releases to the local media, as well as posting in prominent locations, describing present conditions and indicating the regulatory action.
2. The triggers necessitating the Stage 1: Water Watch will also be made available to the public along with an explanation of terms.

(d) *Management action.*

1. The village will ascertain that each well is operating at peak efficiency.
2. Leaks detected will be repaired within 48 hours.

3. The village and the Potter Dix Public School will curtail its use of Class 1 uses.

(e) *Regulatory action.* The public will be asked to voluntarily curtail the use of water as defined in Class 1 and go to an odd/even watering schedule. Residents with odd numbered addresses will water on odd days, even addresses will water on even days.

(f) *Declaration of Water Watch.* Whenever the governing body of the village finds that conditions exist as described in the plan under Stage 1: Water Watch, Triggers, it shall be empowered to declare, by resolution, that a Stage 1: Water Watch exists and implement the steps outlined under this section. The resolution declaring the existence and end of a Stage 1: Water Watch shall be effective upon posting in three prominent places throughout the community.

(2) *Stage 2: Water Warning.*

(a) *Triggers.* This stage is triggered by any one of the following conditions:

1. When the calculated water system demand equals 70% of the calculated water system capacity; and/or

2. When the draw down of the wells increase significantly over and above the level determined in Stage 1, as determined by the Utilities Superintendent.

(b) *Goals.* The goal of this stage is to reduce overall weekly consumption by 15%.

(c) *Education actions.*

1. The village will make weekly news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.

2. The triggers necessitating the Stage 2: Water Warning will also be made available to the public along with an explanation of terms.

3. Water conservation articles will be provided to the local newspaper and posted.

(d) *Management actions.*

1. The village will continue to monitor water supplies on a daily basis.

2. Leaks will be repaired within 24 hours.

3. The village and the Potter-Dix Public School will terminate its usage of water classified in Class 1 and Class 2.

(e) *Regulation action.*

1. Water classified as Class 1 and Class 2 will be terminated except as follows:

a. An odd/even lawn watering system will be imposed on village residents. Residents with odd numbered addresses will water on odd days, even addresses will water on even days;

b. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 6:00 p.m.; and

c. Refilling of swimming pools will be allowed on Saturday each week only after sunset.

2. Waste of water is strictly prohibited.

(f) *Declaration of a Water Warning.*

1. Whenever the governing body of the village finds that conditions exist as described in the plan under Stage 2: Water Warning, Triggers, it shall be empowered to declare, by resolution, that a Stage 2: Water Warning exists and implement the steps outlined under this section.

2. The resolution declaring the existence and end of a Stage 2: Water Warning shall be effective upon posting in three prominent places throughout the community.

(3) *Stage 3. Water Emergency.*

(a) *Triggers.* This stage is triggered by any of the following conditions:

1. When the calculated water system demand equals 85% of the calculated water system capacity; and/or

2. When the draw of the wells increases significantly over and above the level determined in Stage 2 as determined by the Utilities Superintendent.

(b) *Goals.* The goals of this stage are to reduce the overall weekly consumption by 25% and maintain the integrity of the system.

(c) *Education actions.*

1. The village will make weekly news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.

2. The triggers necessitating the Stage 3: Water Emergency will also be made available to the public along with an explanation of terms.

3. Water conservation articles will be provided to the local newspaper and posted.

4. The village will conduct public meetings to discuss the emergency, the status of the village water supply and further actions which may need to be taken.

(d) *Management actions.*

1. The village water supplies will be monitored daily.

2. Leaks will be repaired within 24 hours.

3. The village will seek additional emergency supplies from other users, the state or federal government.

4. The village engineer will be consulted for possible alternatives.

5. The village will notify the Region 21 Emergency Management Agency and advise them of the status of the system.

(e) *Regulation actions.*

1. Uses of water in Class 1, 2 and 3 is prohibited.

2. Waste of water will be prohibited.

(f) *Declaration of a Water Emergency.* Whenever the governing body of the village finds that conditions exist as described in this plan under Stage 3: Water Emergency, Triggers, it shall be empowered to declare, by resolution, that a Stage 3: Water Emergency exists and implement the steps outlined under this plan. The resolution declaring the existence and end of a Stage 3: Water Emergency shall be effective upon posting in three prominent places throughout the community. In the event of a system failure, the Board Chair or the Utilities Superintendent shall have the authority to declare a Stage 3: Water Emergency.

(1976 Code, § 3-129)

(D) *Administrative enforcement provisions.*

(1) *Warning.* The Chairperson of the Board of Trustees, the Utilities Superintendent or his or her agent can issue a written warning to any consumer violating Stage 2: Water Warning and Stage 3: Water Emergency. The warning shall advise the consumer that a second violation at the same premises

within a six-month period shall result in the issuance of an administrative notice of violation for which a penalty of doubling of the water rate to the premises shall be imposed for six months. The Village Clerk shall weekly post the names of the consumers issued a written warning during the previous week. The names of the consumers given a warning shall be posted in the same locations as the declaration.

(2) *Administrative notice of violation.* The Chairperson of the Board of Trustees or the Utilities Superintendent or his or her agent shall issue a written administrative notice of violation to any consumer violating Stage 2: Water Warning and Stage 3: Water Emergency for a second time. The notice shall advise the consumer that his or her water rate to the premises shall be double for the next six months and that a subsequent violation at the same premises within a six-month period shall result in the immediate termination of all water service to the premises. The consumer shall further be notified that they have a right to appeal the issuance of the administrative notice of violation by filing a notice of appeal with the Village Clerk within ten days of the issuance of the notice. The appeal shall be heard at the next regular or special meeting of the Board of Trustees. The action shall be final if no appeal is filed within the ten-day period.

(3) *Notice of termination of service.* The Chairperson of the Board of Trustees or the Utilities Superintendent or his or her agent shall issue a written notice of termination of service to any consumer violating Stage 2: Water Warning and Stage 3: Water Emergency for a third time. The notice shall advise the consumer that all water service to the premises in violation shall be discontinued, beginning not less than 48 hours after the notice and not more than 72 hours after the notice, unless a further violation is found to have occurred at which time termination shall be immediate for the protection of the municipal water system. If service is terminated, then service may be reconnected only upon the filing of a new water application with the Clerk and the payment of the reconnection fee. Additionally, the applicant must file a written statement advising that they are aware that a water warning or water emergency is in effect and that a subsequent violation of its provisions will result in the termination of water service for a period of not less than 30 days unless the termination would pose a health hazard to the occupants of the premises as determined by the Board of Trustees. The Utilities Superintendent or his or her agent shall cause the termination of water service of the violating consumer as provided above or directed by the Board of Trustees.

(1976 Code, § 3-130)

(E) *Emergency termination.* Nothing in §§ 52.36 through 52.38 shall limit the ability of the Board Chair or Utilities Superintendent from terminating the supply of water to any or all customers upon the determination of the officials that emergency termination of water service is required to protect the health and safety of the public.

(1976 Code, § 3-131) (Ord. 347, passed 8-5-2002)

**§ 52.39 PLUMBING CODE; PROHIBITION OF LEAD PIPES, SOLDER AND FLUX.**

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

(B) For the purpose of this section **LEAD FREE** shall mean:

(1) Solder and flux - not more than .02% lead;

(2) Pipe and pipe fittings - not more than .25% lead.

(Ord. 456, passed 5-18-2015)

**Statutory reference:**

*Related provisions, see Neb. RS 71-5301*

**WATER WELLS**

**§ 52.50 PURPOSE.**

To protect the water level of the village, and thereby to protect the public and private health, safety and general welfare of the citizens of the village, it is necessary to restrict and prohibit the drilling of water wells within the corporate limits of the village.

(1976 Code, § 4-401) (Ord. 121, passed 10-6-1980)

**§ 52.51 DEFINITION.**

For the purpose of this subchapter, the term **WATER WELL** shall mean any hole drilled for the purpose of finding, pumping or producing water in any manner, and shall also include any existing hole previously drilled which may be utilized for the purpose of finding, pumping or producing water in any manner and is currently not being so utilized or operated.

(1976 Code, § 4-402) (Ord. 121, passed 10-6-1980)

**§ 52.52 PROHIBITIONS.**

It shall hereafter be unlawful for any person, firm, organization or corporation to in any manner either drill, utilize or complete any water well within the corporate limits of the village, or produce, remove or use water from any such water well within the limits of the village; provided, however, that the Chairperson and the Board of Trustees of the village, may authorize the drilling of any water well

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and/or water wells, and the completion, production and use of the water wells and the water therefrom, which are to be owned and operated by the village, or leased and operated by the village, for the use and benefit of the citizens of the village.

(1976 Code, § 4-403) (Ord. 121, passed 10-6-1980) Penalty, see § 52.99

### § 52.53 EXCEPTIONS.

Notwithstanding anything herein contained to the contrary, this subchapter and the restrictions, prohibitions and penalties contained within this chapter shall not apply to any completed water well previously drilled for the purpose of finding, pumping or producing water in any manner, and which is currently being so utilized for the purpose of finding, pumping or producing water, including but not limited to a water well located in Block 2, Seyfang's Second Addition to Potter, Nebraska, and a water well located at the northeast corner of a lot of land located at the southeast corner of the intersection of Front Street and the southerly extension of Vine Street, south of Front Street.

(1976 Code, § 4-405) (Ord. 121, passed 10-6-1980)

### § 52.54 CONSTRUCTION.

This subchapter and the restrictions, prohibitions and penalties contained within shall be deemed to be cumulative to any further ordinances adopted by the village, and any requirements, restrictions and provisions pertaining to the drilling of water wells within the statutes of the State of Nebraska.

(1976 Code, § 4-406)

### § 52.55 POLLUTION PREVENTION AND MINIMUM DISTANCE REQUIREMENTS.

(A) It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. It shall be unlawful for any person to locate any of the following items at closer proximity to any municipal well than the corresponding minimum distance.

<i>Category</i>	<i>Distance</i>
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

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<i>Category</i>	<i>Distance</i>
Underground disposal system (septic tank, cesspool, etc.)	500 feet
Corral	500 feet
Pit toilet/vault toilet	500 feet
Wastewater holding tanks	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

(B) The above distances are minimum distances, and when surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and the well or spring should be greater than that listed in the above schedule.

(Ord. 383, passed 5-9-2011)

### § 52.99 PENALTY.

(A) (1) Any person, or any person's agent or servant, who violates any of the provisions of §§ 52.35 through 52.55, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine of penalty imposed, enter an order of abatement as a part of the judgment in the case.

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(B) Whenever any water well is drilled, utilized or completed within the limits of the village, or any water well within the limits of the village, is used for the production, removal and use of water from the water well, the village may proceed by suit in equity to enjoin the drilling, utilization or completion of any water well within the limits of the village, or the production, removal and use of water from any water well within the limits of the village, in the manner provided by law.

(Ord. 121, passed 10-6-1980; Ord. 339, passed 10-9-2000; Ord. 347, passed 8-5-2002; Ord. 383, passed 5-9-2011)

## CHAPTER 53: SEWERAGE PROVISIONS

### Section

- 53.01 Operation and funding
- 53.02 Definitions
- 53.03 Application for permit
- 53.04 Sewer contract
- 53.05 Mandatory hookup
- 53.06 Direct connection
- 53.07 Service contracts
- 53.08 Installation; procedure and expense
- 53.09 Repairs and replacement
- 53.10 Classification
- 53.11 Rate setting
- 53.12 Sewer use fees
- 53.13 Unlawful use
- 53.14 Specific equipment
- 53.15 Manholes
- 53.16 Inspections
- 53.17 Service to non-residents
- 53.18 Lien

- 53.99 Penalty

### ***Cross-reference:***

*Late fee, see § 50.04*

### **§ 53.01 OPERATION AND FUNDING.**

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

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



(C) The Utilities Superintendent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the governing body.

(1976 Code, § 3-201) (Ord. 322, passed 3-6-2000)

**Statutory reference:**

*Related provisions, see Neb. RS 17-925.01*

**§ 53.02 DEFINITIONS.**

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

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

**GARBAGE.** Includes solid wastes from the preparation of cooking and dispensing of food and produce.

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

**PROPERLY SHREDDED.** Includes 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 one-half-inch in diameter.

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

**SEWAGE.** Includes a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with the ground, surface and storm waters as may be present.

**SEWER SYSTEM.** Includes all facilities for collecting, pumping, treating and disposing of sewage.

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

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



**TRAP.** Includes 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.  
(1976 Code, § 3-202)

**§ 53.03 APPLICATION FOR PERMIT.**

Any person wishing to connect with the sewer system shall make an application therefor to the Village Clerk. The Clerk shall then forward the application to the Utilities Superintendent. Sewer service may not be supplied to any house or building except upon the order of the Superintendent.  
(1976 Code, § 3-203)

**§ 53.04 SEWER CONTRACT.**

(A) The municipality, 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 governing body may see fit to do so.

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

(C) 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 the contract both parties are bound.

(D) If the customer shall violate any of the provisions of the contract or any reasonable rules and regulations that the governing body may hereafter adopt, the Utilities Superintendent, or his or her agent, may cut off or disconnect the sewer service from the building or premise of the violation. No further connection for sewer service to the building or premise shall again be made save or except by order of the Superintendent or his or her agent.  
(1976 Code, § 3-204)

**§ 53.05 MANDATORY HOOKUP.**

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

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(B) Every building hereafter erected shall be connected with the sewer system at the time of its construction unless the building is located in an area that was noncontiguously annexed into the village. All septic systems installed in noncontiguously annexed areas must meet the design guidelines and be approved, if required by law, by the appropriate and applicable agency or agencies of the State of Nebraska.

(C) Existing cesspools shall be allowed but in the event they become inoperable, they shall not be replaced and the buildings being served by the inoperable cesspools shall be immediately connected to the municipal sewer system. In the event that any property owner, occupant or lessee shall neglect, fail or refuse, within a period of ten 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, to make the connection, the governing body 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.

(1976 Code, § 3-205) (Ord. 433, passed 12-9-2013)

#### **§ 53.06 DIRECT CONNECTION.**

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

(1976 Code, § 3-206)

#### **§ 53.07 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 premise is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the premise. If the customer should fail to give notice, he or she shall be charged for that period of time until the Utilities Superintendent is otherwise advised of the circumstances.

(1976 Code, § 3-207)

#### **§ 53.08 INSTALLATION; PROCEDURE AND EXPENSE.**

(A) *Installation procedure.*

(1) Upon the approval of the customer's application, the customer shall be responsible for tapping and installation of the sewer service from the village main to the premises served.

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(2) 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.

(3) 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.

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(4) After the house sewer is laid, the public ways and property shall be restored to good condition.

(5) If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant or lessee of the property.

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

(7) All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for the installation prescribed by the Utilities Superintendent; provided, that the rules, regulations and specifications have been reviewed and approved by the governing body.  
(1976 Code, § 3-208)

(B) *Installation expense.*

(1) The customer, upon approval of his or her application for sewer service, shall pay to the Village Clerk an installation fee of \$20 which shall compensate the municipality for the expense of processing his or her application and inspecting the installation of the sewer service.

(2) The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation.  
(1976 Code, § 3-209)

**§ 53.09 REPAIRS AND REPLACEMENT.**

(A) 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.

(B) The property owner's duty to repair or replace 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.

(C) The Village Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of the owner or the agent of the owner, directing the repair or replacement of the connection line.



(D) If within 30 days of mailing the notice the property owner fails or neglects to cause the repairs or replacements to be made, the Sewer Commissioner may cause the work to be done and assess the cost upon the property served by the connection.

(1976 Code, § 3-210) (Ord. 171, passed 7-1-1985)

**Statutory reference:**

*Related provisions, see Neb. RS 18-1748*

**§ 53.10 CLASSIFICATION.**

The governing body may classify the customers of the Village Sewer Department for the purposes of sewer use fees; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(1976 Code, § 3-211)

**Statutory reference:**

*Related provisions, see Neb. RS 17-925.02*

**§ 53.11 RATE SETTING.**

Effective June 1, 2016, all customers of the Municipal Sewer Department shall be charged the following flat rates for the use of sewer service. Rates, as set by ordinance, shall be on file in the office of the Municipal Clerk for public inspection at any reasonable time:

<i>Rates Per Month</i>	
Residential	\$19.11
Commercial	\$19.11
Apartments, trailer courts, permanent trailers (per unit)	\$19.11
Schools	\$330.00

(1976 Code, § 3-212) (Ord 108, passed 5-7-1979; Ord. 124, passed 12-1-1980; Ord. 163, passed 9-4-1984; Ord. 179, passed 12-2-1985; Ord. 361, passed 2-6-2006; Ord. 406, passed 11-5-2012; Ord. 461, passed 5-9-2016)

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**§ 53.12 SEWER USE FEES.**

Sewer use fees shall be due and payable each month, in the same manner and on the same dates as water rates are collected.

(1976 Code, § 3-213)

***Statutory reference:***

*Related provisions, see Neb. RS 17-925*

**§ 53.13 UNLAWFUL USE.**

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

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

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

(1976 Code, § 3-214) Penalty, see § 53.99

**§ 53.14 SPECIAL EQUIPMENT.**

(A) 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 chief sewer official may require the customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within the maximum limits as he or she shall prescribe subject to the review of the governing body.

(B) All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense.

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

(1976 Code, § 3-215)

**§ 53.15 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.

(1976 Code, § 3-216) Penalty, see § 53.99

**§ 53.16 INSPECTIONS.**

The chief sewer official or his or 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 chapter therein.

(1976 Code, § 3-217)

**§ 53.17 SERVICE TO NON-RESIDENTS.**

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

(1976 Code, § 3-218)

***Statutory reference:***

*Related provisions, see Neb. RS 19-2701*

**§ 53.18 LIEN.**

(A) In addition to all other remedies, if a customer shall for any reason remain indebted to the village for sewer service furnished, the amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished.

(B) The Village Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agent whenever their tenants or lessees are 60-days' or more delinquent in the payment of sewer rent.

(C) It shall be the duty of the Utilities Superintendent on June 1 of each year to report to the governing body a list of all unpaid accounts due for sewer service together with a description of the premise served. The report shall be examined, and if approved by the governing body, shall be certified by the Village Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (1976 Code, § 3-219)

**Statutory reference:**

*Related provisions, see Neb. RS 17-925.01*

**§ 53.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1976 Code, § 3-1201) (Ord. 339, passed 10-9-2000)

**Statutory reference:**

*Related provisions, see Neb. RS 17-207, 17-505, 18-1720, 18-1722*



## CHAPTER 54: MUNICIPAL LANDFILL

### Section

- 54.01 Operation and funding
- 54.02 State regulations
- 54.03 Definitions
- 54.04 Designated landfills and waste collection areas
- 54.05 Fires at organic landfill areas prohibited
- 54.06 Organic landfill hours
- 54.07 Use regulations
- 54.08 Jurisdiction of village over organic landfill property
- 54.09 Organic waste transportation regulations; accidental spills
- 54.10 Authorized collection and disposal
- 54.11 Refuse containers; disposal of particular kinds of waste
- 54.12 Collection schedule
- 54.13 Rates and organic landfill fees
  
- 54.99 Penalty

### § 54.01 OPERATION AND FUNDING.

(A) The village owns and operates the municipal landfill through the Landfill Superintendent. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the municipal landfill may each year levy a tax not to exceed 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.

(B) The revenue from the tax shall be known as the Landfill Fund and shall remain in the custody of the Village Treasurer. The Landfill Superintendent shall have the direct management and control of the municipal landfill and shall faithfully carry out the duties of his or her position.

(C) The Landfill Superintendent 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 governing body.

(D) The governing body 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.

(1976 Code, § 3-801)

**Statutory reference:**

*Related provisions, see Neb. RS 19-2101 through 19-2106*

**§ 54.02 STATE REGULATIONS.**

(A) The village shall apply for a license to operate the municipal landfill. Application shall be made to the Department of Environmental Control on forms provided by the Department.

(B) No fee shall be charged for the licensing. Each license so issued shall expire on October 1, following the date of issuance.

(C) It shall be the duty of the Landfill Superintendent to comply with the rules and regulations prescribed by the Department of Environmental Control for the use and operation of the municipal landfill.

(1976 Code, § 3-802)

**§ 54.03 DEFINITIONS.**

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

**BUILDING RUBBISH.** Evacuated earth, stones, brick, plaster, lumber, concrete occasioned by installations and repairs.

**COMMERCIAL WASTE.** Waste produced by retail and wholesale business, services, entertainment establishments and by hotels and restaurants.

**DEMOLITION DEBRIS.** All combustible and non-combustible waste material resulting from the demolition of structures, roadways or other paved surfaces excluding hazardous waste, garbage or refuse.

**FLY ASH.** All residue, including bottom ash derived in the burning of coal for heat, steam or electricity.

**GARBAGE.** Food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooling, dealing in or storing of meat, fish, fowl, fruit or vegetable.



**HAZARDOUS WASTE.** All waste material which is ignitable, corrosive, chemically reactive, radioactive or toxic, as defined by federal RCRA regulations, Federal Register Volume 45, No. 98, May 19, 1980 and subsequent revisions and/or NDEQ regulations found in N.A.C. Title 128 Rules and Regulations Governing Solid Waste Management in Nebraska,

**INDUSTRIAL WASTE.** Solid waste generated by manufacturing or industrial processes that is not hazardous waste from factories, processing plants and other manufacturing enterprises.

**INFECTIOUS WASTE.** Waste from hospitals, medical clinics, offices of physicians, doctors, surgeons, dentists, veterinarians, pathological laboratories, research and development laboratories, dispensaries, blood plasma centers and other like facilities which contain any of the following:

(1) Equipment, instruments, utensils and any other items of a disposable nature used in the examination, diagnosis, immunization, treatment or rehabilitation of humans or animals which may have come in contact or may have been contaminated by material considered potentially infectious;

(2) Laboratory wastes, such as pathological specimens including tissue specimens, specimens of blood elements, excreta and other body secretions obtained from patients or animals and any supplies, equipment and disposable items which may harbor or transmit pathogenic organisms attendant thereto; and

(3) Surgical operating room pathological specimens, and equipment, supplies and disposable items attendant thereto and similar waste materials from outpatient areas and emergency rooms.

**RCRA.** The Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 *et seq.*, as amended.

**REFUSE.** Putrescible and non-putrescible solid wastes except yard wastes and body wastes, and include garbage as hereinbefore defined, and all sweepings, ashes, paper, cardboard, feathers, rags, glass, dishes, bottles, crockery, pans, utensils of every kind and nature, pasteboard boxes, food containers, tin cans and any other waste matter or material not herein designated as garbage which accumulates in the conduct of a household, business establishment, shop or factory of any kind or nature.

**REFUSE CONTAINER.** Any container provided by the Solid Waste Department.

**SANITARY LANDFILL.** An area of land developed and constructed with containment features according to an operational plan and design for disposal of solid waste.

**SOLID WASTE.** All putrescible and non-putrescible wastes whether in solid or liquid form and includes garbage, building rubbish, ashes, refuse, fill dirt, sewage sludge, acceptable commercial and industrial wastes, demolition debris and all used construction material, discarded automobile and other

types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron, steel and other old or metal scrap material, manure, human excrement, vegetable or animal solids and semi-solid waste, infectious waste, yard waste, dead animals or parts thereof, and other discarded solid materials.

**YARD WASTE.** Accumulations of grass or shrubbery cuttings, leaves and other organic materials collected as a result of the care of lawns, shrubbery, vines and gardens.  
(1976 Code, § 3-804) (Ord. 306, passed 12-7-1998)

#### **§ 54.04 DESIGNATED LANDFILLS AND WASTE COLLECTION AREAS.**

(A) A place or places, public or private, for the disposal of solid waste, and other offensive or obnoxious substances.

(B) No person shall dump, deposit or otherwise dispose of any solid waste, hazardous waste, building rubbish, demolition debris, commercial or industrial waste, infectious waste, offensive or obnoxious substances within the corporate limits of the village upon any ground, premises or place other than an organic landfill or disposal facility licensed by the state or other state regulatory authority for disposal of specific waste.  
(1976 Code, § 3-805) (Ord. 306, passed 12-7-1998) Penalty, see § 54.99

#### **§ 54.05 FIRES AT ORGANIC LANDFILL AREAS PROHIBITED.**

(A) No person shall set a fire upon, or cause a fire to be set upon, any organic landfill heretofore or hereafter designated as such under the provisions of this chapter unless specifically directed by the Solid Waste Department Superintendent.

(B) The Superintendent shall acquire a burn permit from the Fire Chief and burn only those materials allowed by the NDEQ Air Quality Division.  
(1976 Code, § 3-806) (Ord. 306, passed 12-7-1998) Penalty, see § 54.99

#### **§ 54.06 ORGANIC LANDFILL HOURS.**

The organic landfill shall be kept open for dumping and disposal purposes as designated by the Village Board.  
(1976 Code, § 3-807) (Ord. 306, passed 12-7-1998)

**§ 54.07 USE REGULATIONS.**

(A) No person shall dump any waste at the organic landfill except during designated hours. The Superintendent in charge of the landfill shall determine the place or places where specific categories of organic waste, brought to the landfill shall be placed. The organic landfill is divided into separate designed areas.

(B) All other organic material: trees, tree limbs, clean lumber, brush and wood shall be placed in a separate designated area. No organic waste shall be accepted in the organic landfill if the waste has a maximum dimension in any direction (width, height, breadth) of more than 12 feet. This restriction may be waived by the village.

(C) The authorized use of the organic landfill is for the citizens of the village. Unauthorized use of the organic landfill shall be subject to prosecution under penalties of this chapter.

(D) No statement contained in this chapter shall be construed as preventing special agreement or arrangement between the village and any party for disposal of wastes. (1976 Code, § 3-808) (Ord. 306, passed 12-7-1998) Penalty, see § 54.99

**§ 54.08 JURISDICTION OF VILLAGE OVER ORGANIC LANDFILL PROPERTY.**

(A) The land within, adjacent to or outside the village as the Village Board of Trustees designate by resolution shall be used as the organic landfill.

(B) Corporate authority is hereby extended over the real estate for all purposes, including what, how and when dumping may be permitted or allowed thereon. (1976 Code, § 3-809) (Ord. 306, passed 12-7-1998)

**§ 54.09 ORGANIC WASTE TRANSPORTATION REGULATIONS; ACCIDENTAL SPILLS.**

(A) No person shall use any vehicle or trailer to bring organic waste materials to the organic landfill unless it is constructed or covered in such a manner that wastes cannot have fallen, spilled or been discharged from the vehicle or trailer on the roads from the point of loading to the site of the organic disposal that has been designated for unloading.

(B) Accidental spillage of wastes during transportation shall be cleaned up by the individual responsible for same. Failure to clean up accidental spills immediately shall be unlawful, and a violation of this chapter. (1976 Code, § 3-810) (Ord. 306, passed 12-7-1998) Penalty, see § 54.99

**§ 54.10 AUTHORIZED COLLECTION AND DISPOSAL.**

(A) Garbage shall be disposed of only by shredding it into a sewer through a properly operating garbage disposal machine or by removal by the Solid Waste Department of the village.

(B) Except as otherwise herein specifically provided, no person other than a generator of the Village Solid Waste Department personnel shall haul, collect or dispose of solid waste other than yard waste. Solid waste shall be disposed of consistent with the NDEQ regulations found in N.A.C. Title 132, Rules and Regulations Governing Solid Waste Management in Nebraska by the Division of Sanitation.

(C) Until the garbage or refuse is disposed of by the village or generator, it shall be kept by the property owner, tenant or other person in possession, in charge, or in control of the property in a village refuse container, except as provided for in § 54.11 below. No person will dump solid waste from or otherwise tamper with the contents of a village refuse container.

(1976 Code, § 3-811) (Ord. 306, passed 12-7-1998) Penalty, see § 54.99

**§ 54.11 REFUSE CONTAINERS; DISPOSAL OF PARTICULAR KINDS OF WASTE.**

(A) All refuse containers shall be provided by the village.

(B) The following items may be placed into the refuse containers:

- (1) Garbage; and
- (2) Refuse.

(C) The following items shall not be placed into the refuse containers:

- (1) Yard waste;
- (2) Tree limbs, wood;
- (3) Sod, grass, leaves;
- (4) Lumber;
- (5) Demolition debris;
- (6) Furniture;
- (7) Heavy metals, such as car parts;
- (8) Appliances;

- (9) Tires;
- (10) Car batteries;
- (11) Dead animals;
- (12) Crank case oil;
- (13) Infectious, hazardous, household or industrial wastes; and
- (14) Fly ash, hot ash or items that are smoldering or on fire or capable of reigniting.

(D) No person other than those paying the established collection fee may use a village refuse container. Users of the village refuse containers are authorized to use only the refuse container assigned by the village to their residential or commercial property. No person other than one who has, in advance, paid the established fee and been assigned a refuse container, shall place any item identified in divisions (B)(1) and (2) above, or any other materials in a village refuse container.

(E) Waste containers will be maintained by the village. Normal wear and tear repairs and/or replacement of containers will be provided by the village at no charge to the user(s). User(s) should notify the village of the need for repair or replacement of their containers.

(F) Misuse or negligence of care of the waste containers by overloading, loading with improper waste products (as per this section), resultant accidental damage, improper storage and/or theft will result in the user(s) being billed for repair or replacement costs.

- (1) Users should notify the village of the need for repair or replacement of their container.

(2) Hit and run accidental damage to a container must be reported to the village for investigation and prosecution.

(G) Disposal of any household or commercial solid waste or refuse into refuse containers other than those containers that are assigned to the citizen or commercial/industrial business paying disposal charges shall be unlawful and shall be punishable as provided hereinafter.

(H) Items in divisions (C)(6) through (8) above may be disposed of by the village when requested by the citizens of the village. Disposal charges will be set by the Village Board of Trustees.

- (I) Dead animals must be disposed of properly. Contact the village office.

(J) Small quantities of non-commercial waste of crank case oil and household and garden hazardous waste can be disposed of by private delivery to an authorized disposal facility and each item must be clearly marked for contents.

(1) Two or more different chemical substances may not be mixed together in one container.

(2) Disposal of these items in any other manner shall be unlawful and punishable by the penalties of this chapter.

(3) Hazardous waste must be disposed of through an authorized hazardous waste landfill/incinerator.

(K) Large refuse items that cannot be deposited in the village containers may be privately delivered to the Cheyenne County landfill for disposal.

(L) All types of building rubbish waste, demolition debris and refuse from construction projects may be commercially hauled and disposed of at the county landfill under the regulations as are prescribed by Cheyenne County and upon payment of a landfill use fee.  
(1976 Code, § 3-812) (Ord. 306, passed 12-7-1998)

#### **§ 54.12 COLLECTION SCHEDULE.**

(A) The Solid Waste Department shall collect garbage and refuse from householders, tenants and businesses in the village according to a schedule and for the fees authorized in this chapter.

(B) (1) The Solid Waste Department shall collect garbage and refuse from the householders and apartment holders, hotels, stores, restaurants and wholesale and retail business at least once each week.

(2) Garbage may be removed more often at such times as the Maintenance Supervisor directs and deems necessary.  
(1976 Code, § 3-813) (Ord. 306, passed 12-7-1998)

#### **§ 54.13 RATES AND ORGANIC LANDFILL FEES.**

(A) Fees for operation of the village organic landfill shall be determined by the Village Board.

(B) The Village Board is hereby given authority to fix the fees which will be charged.  
(1976 Code, § 3-814) (Ord. 306, passed 12-7-1998)

**§ 54.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24-hours' of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this chapter, the village may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1976 Code, § 3-1201) (Ord. 339, passed 10-9-2000)

***Statutory reference:***

*Related provisions, see Neb. RS 17-207, 17-505, 18-1720, 18-1722*

