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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: VILLAGE POWERS; RATE SETTING

The Village currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The Village has the right and power to tax assets and collect payment from its residents for use of the water supplied to them by the water system and for use of the sewer system. The Village Board is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be kept on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §§17-538, 17-542, 18-509)

SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES

All residents of the Village shall be required to subscribe to village utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the Village Board. (Neb. Rev. Stat. §17-532)

SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT; TAP FEES

A. Every person or persons desiring utility services must make application therefor to the village clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the Village Board and kept on file at the village office. The clerk shall hold the deposit for one year, after which time the deposit shall be returned to the customer, provided that he or she has maintained a satisfactory record of payment over that year. At the time any service deposit is returned to the consumer, the Village will not pay any interest that may have accrued on such amount.

B. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the village clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the utility superintendent.

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

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601) (Ord. No. 00-02, 9/12/00)

SECTION 7-104: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the Village and who desires to connect to village utilities shall obtain special permission from the Village Board. The entire cost of pipe and other installation charges shall be paid by such consumer. Nonresidents shall pay such tap fees as have been set by the board by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the Village to provide water and sewer service to nonresidents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

SECTION 7-105: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the Village and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of village utilities by a new consumer thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the Village, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utility superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

C. Contracts for utility services are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the village clerk, who shall cause the utility services to be discontinued at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utility services monthly until the Village is otherwise advised of such circumstances.
(Neb. Rev. Stat. §17-537)

SECTION 7-106: BILLING AND COLLECTIONS; DELINQUENCY

Joint water, sewer, and garbage pickup bills shall be due and payable monthly at the office of the village clerk. Water meters shall be read on the 15th day of each month in which service is used. It shall be the duty of the utility customers to pay their bills monthly at the village office. Bills shall be due on the 25th day of each month and shall be payable by the 10th of the following month. Bills not paid by the 10th day of the following month shall be deemed to be delinquent. The village clerk shall then give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven days after the sending of said

notice, it shall be discretionary with the Village Board to cut off service in compliance with Section 7-107. (Neb. Rev. Stat. §§17-538, 17-542)

SECTION 7-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. No village utility shall discontinue service to any domestic subscriber for non-payment of any past due account unless such utility shall first give written notice by first class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail 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. Each utility subject to subsection (A) shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

C. If any subscriber has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

D. The notice required by subsection (A) above shall contain the following information, which shall be furnished upon the request of any domestic subscriber:

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, as provided in subsection (E) below;
6. A statement that the utility may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which

shall certify that 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 and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subdivision for each incidence of nonpayment of any past due account;

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 clients of Social Services may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Village Board.

E. A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before the Village Board, which shall hear and decide all matters in dispute. The subjects to be heard shall include matters relating to a disputed bill.

F. This section shall not apply to any disconnections or interruptions of service made necessary by the Village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §§70-1605 through 70-1608)

SECTION 7-108: LIEN

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

SECTION 7-109: DIVERSION OF SERVICES; UNLAWFUL ACTS

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

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

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 (Section 7-107 herein) shall be deemed guilty of an offense.

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

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §28-515.02)

SECTION 7-110: DIVERSION OF SERVICES; PENALTY

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

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

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

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

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

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

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

(Neb. Rev. Stat. §§25-21,276 through 25-21,278)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The utility superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his or her office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. Water rates shall be set as provided in Article 1, Section 7-101.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: HOURS OF WORK

All taps or plumbing work done on or to the village water system shall be done between the hours of 8:00 a.m. and 6:00 p.m. (Neb. Rev. Stat. §17-537)

SECTION 7-203: CONNECTION TO WATER SYSTEM

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. All persons whose property is within 300 feet of a main shall be required, upon notice by the Village Board, to hook up with the village water system.

B. The Village may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the Village to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each primary structure hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the Village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments

or to collect in the manner provided for the collection of water bills as provided herein.

D. Private wells previously constructed and operating prior to the village's establishment of its water system shall be permitted to operate, providing that they comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the state Department of Health and Human Services. (Neb. Rev. Stat. §§17-532, 17-539)

SECTION 7-204: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-205: INSTALLATION; EXPENSE; TAP FEE

A. The Village shall pay the cost of installing the meter and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utility superintendent or his or her duly authorized agent shall tap the main, and the customer shall have paid a connection fee for such tap as provided in Section 7-103. The customer shall, at his or her own expense, bring water service from the main up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersion.

B. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utility superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises. (Neb. Rev. Stat. §17-542)

SECTION 7-206: REPAIRS AND MAINTENANCE

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

B. All water meters shall be kept in repair by the Village at its expense. When meters are worn out, they shall be replaced and reset by the Village at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the superintendent shall bill and collect from the

customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

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

(Neb. Rev. Stat. §17-537)

SECTION 7-207: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the utility superintendent and shall be at all times subject to the inspection and approval of the superintendent. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utility superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-208: INSTALLATION OR REPAIR PROCEDURE

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

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If any excavation is left open or unfinished for a period of 24 hours or more, the utility superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

C. All installations or repairs of pipes require two inspections by the utility superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. 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 such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-209: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utility superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§71-540, 71-542) (Ord. No. 00-02, 9/12/00)

SECTION 7-210: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the Village on the account of the Water Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-211: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-212: DESTRUCTION OF PROPERTY

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

SECTION 7-213: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-214: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

SECTION 7-215: BACKFLOW/CROSS-CONNECTIONS

A. The purposes of these backflow/cross-connection regulations are:

1. To protect the public potable water supply of the Village from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of existing cross-connections, actual or potential, between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial process systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. These regulations shall apply to all premises serviced by the public potable water system of the Village.

C. These regulations will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The village water department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The consumer is responsible for preventing contamination of the water system within consumer's own premises.

D. The following definitions shall apply in the interpretation and enforcement of these regulations:

1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.
2. "Approved tester" means a person qualified to make inspections and test and repair backflow retention/cross-connection control devices, who is approved by the Village.
3. "Authorized representative" means any person designated by the Village to administer these cross-connection control regulations.

4. "Auxiliary water supply" means any water source system, other than the public water supply, that may be available in the building or premises.
5. "Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases, or substances into the distribution system of a public water supply.
6. "Backsiphonage" means the flowing back of water or other foreign liquids, gases, or substances into the water distribution system due to negative pressure in the piping of the water distribution system.
7. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system, provided that backflow preventers have been tested and approved by a reputable testing laboratory.
8. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
9. "Containment" means protection of the public water supply public by installing a cross-connection control device or air gap separation on the main service line to a facility or as an installation within equipment handling potentially hazardous materials.
10. "Contamination" means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create the actual hazard to the public health through poisoning or through spread of disease by exposure.
11. "Cross-connection" means any physical link between a potable water supply and any other substance, fluid, or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.
12. "Hazard, degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
13. "Hazard, health" means any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
14. "Hazard, plumbing" means a plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

15. "Hazard, pollutional" means an actual or potential threat to the physical properties of the water system or to the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
16. "Hazard, system" means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
17. "Isolation" means protection of a facility service line by installing a cross-connection control device or air gap separation on an individual fixture, appurtenance or system.
18. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such waters for domestic use.
19. "Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health and Human Services and its drinking water standards.
20. "Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

E. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Village or its authorized representative.

F. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

G. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Village as necessary for the protection of health and safety and in accordance with the Uniform Plumbing Code adopted in Chapter 9, Section 9-302.

H. The consumer's premises shall be open at all reasonable times to the Village or its authorized representative for conducting of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections in the consumer's water system.

I. On request by the Village or its authorized representative, the consumer shall furnish requested information on water use practices within his or her premises and in its water system.

J. On request by the Village or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross-connections. The consumer shall provide the survey results to the Village of its authorized representative.

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

L. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Village or its authorized representative, the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply.
2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
4. Premises having a repeated history of cross-connections.
5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross-connection

could reasonably be expected to occur, including the handling of process waters and cooling waters.

7. Premises where toxic or hazardous materials are handled.

M. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle back-flow prevention device may be required by the Village or its authorized representative or the Nebraska Department of Health and Human Services to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Village or its authorized representative and the Nebraska Department of Health and Human Services:

1. Agricultural chemical facilities.
2. Auxiliary water systems, wells.
3. Premises having water recirculating system as used for boilers or cooling systems.
4. Bulk water loading facilities.
5. Car washed, automobile servicing facilities.
6. Chill water systems.
7. Feedlots.
8. Fire protection systems.
9. Hazardous waste storage and disposal sites.
10. Irrigation and lawn sprinkler systems.
11. Laundries and dry cleaning.
12. Petroleum processing or storage plants.
13. Beauty salons.
14. Schools.
15. Sewage pumping stations.
16. Nursing home.
17. Dental office.
18. Mortuary.
19. Hospital.
20. Doctor's office.
21. Livestock watering.
22. Other commercial or industrial facilities which may constitute sites for potential cross-connections.

N. The type of protection required by these regulations shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.

2. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
3. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

O. Any backflow prevention device required by these regulations shall be a model or construction approved by the Village or its authorized representative and the Nebraska Department of Health and Human Services.

1. Air gap separation to be approved shall be at twice the diameter of the supply pipe, measured vertically above the top rim of the vessel but in no case less than 1 inch.
2. Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health and Human Services, unless the device was installed at the time these regulations were passed and complies with required inspection and maintenance.

P. Backflow prevention devices required by these regulations shall be installed at a location in a manner approved by the Village or its authorized agent. All devices shall be installed at the expense of the consumer unless the Village or its authorized representative agrees otherwise.

Q. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or the corporation stop, as close to the meter or corporation stop as is reasonably practical and prior to any other connection.

R. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to the manufacturer's recommendations.

S. Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the Village or its authorized representative. Actual testing shall be at the expense of the consumer unless the Village or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the

approval of the Village. If testing shall require entry into the premises, the Village's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten working days in advance by first class mail with return receipt requested. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the Village's authorized representative to arrange another date and time.

T. The authorized representative shall have the authority to issue any order consistent with the provisions of these regulations in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements, and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by first class mail with return receipt requested.

U. In the event that is claimed that the true intent and meaning of these regulations has been wrongfully interpreted by the authorized representative, that the time allowed for compliance with any order of the authorized representative is too short, or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by these regulations, the owner may file a written notice of appeal with the village clerk within ten days after the decision or order of the authorized representative has been made. The Village Board shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal.

V. The Village or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by these regulations is not installed, tested and maintained in a manner acceptable to the Village or its authorized representative, if it is found that the backflow prevention device has been removed or bypassed, or if any unprotected cross connection exists.

W. Water service to such premises shall not be restored until the consumer is in compliance with these regulations to the satisfaction of the Village or its authorized representative.

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

SECTION 7-216: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

A. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the Village without first having obtained the proper permit from the Village Board: potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the Village. Such application must be presented to the board at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the board shall approve or deny said permit.

C. Under no circumstances shall the Village Board approve any permit to drill or operate any of the below-described facilities within the indicated number of feet from any village water well:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS 4/4/10)

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the Village and/or (2) within the designated number of feet from the village water supply, then such facility shall be deemed a nuisance and the Village Board shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 of this code. In addition, any person violating any of the terms of this ordinance is hereby determined to be guilty of a Class 3 misdemeanor as the same is defined by Nebraska law for the violation of a Class 3 misdemeanor.

(Ord. No. 12-01, 3/13/12)

SECTION 7-217: RESTRICTED USE

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

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

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

B. The utility superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. Sewer rates shall be set as provided in Article 1, Section 7-101 herein. (Neb. Rev. Stat. §17-925.01)

SECTION 7-302: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

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

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

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other similar facility intended or used for the disposal of sewage.

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

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the village sewer system. Specific prohibitions in reference to hazardous

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

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

SECTION 7-303: HOURS OF WORK

All taps or plumbing work done on or to the village sewer system shall be done between the hours of 8:00 a.m. and 6:00 p.m. (Neb. Rev. Stat. §17-537)

SECTION 7-304: CONNECTION TO SEWER SYSTEM

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

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

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 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, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-575, 18-503)

SECTION 7-305: INSTALLATION EXPENSE; TAP FEE

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

sewer. The utility superintendent in his or her discretion may direct the customer to hire a licensed plumber to tap the main, and the customer shall have paid a connection fee for such tap as provided in Section 7-103. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-306: REPAIRS AND MAINTENANCE

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

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utility superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

SECTION 7-307: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the utility superintendent and shall be at all times subject to his or her inspection and approval. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utility superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-308: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

A. All installation shall be done under the supervision of the utility superintendent and strictly in accordance with the rules, regulations, and specifications on file with the Village and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

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. No person shall leave an excavation made in the street,

alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

C. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation is left open or unfinished for a period of 24 hours or more, the utility 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 utility superintendent: (1) when connections or repairs are complete and before the pipes are covered, and (2) after the dirt work is completed and the service restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection.

(Neb. Rev. Stat. §18-503)

SECTION 7-309: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the utility superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the superintendent shall notify the owner to make the necessary changes to conform to the provisions of the Municipal Code and the Uniform Plumbing Code adopted in Chapter 9, Section 9-302.

SECTION 7-310: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

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

SECTION 7-311: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the utility superintendent for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-312: SEWER RATES

Customers of the Sewer Department shall be charged a flat rate or the rate based on water usage for the use of sewer service, as set by ordinance by the Village Board. (Neb. Rev. Stat. §18-509) (Am. Ord. No. 00-02,9/12/00)

SECTION 7-313: BILLING AND COLLECTIONS

The village clerk shall bill the consumers, collect all money received by the Village on the account of the Sewer Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-314: MANHOLES

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

SECTION 7-315: DESTRUCTION OF PROPERTY

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

Article 4 – Solid Waste

SECTION 7-401: DEFINITIONS

A. As used herein, "garbage" shall mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

B. As used herein, "rubbish" or "trash" shall mean discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin caps, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Village.

C. As used herein, "waste" shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

SECTION 7-402: OWNER'S RESPONSIBILITY

It shall be unlawful, and declared to be a nuisance, for any person to keep in, on, or about any dwelling, building, or premises or any other place in the Village any 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 unless the same is kept in receptacles as nearly airtight as may be practical. 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 utility superintendent, who shall represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover. (Neb. Rev. Stat. §19-2106)

SECTION 7-403: COLLECTION AND DISPOSAL; RATES

A. The Village may enter into one or more nonexclusive contracts with one or more lawful collection and/or disposal entities for the pickup and disposal of garbage, rubbish, and/or waste generated within the village limits. The owners, occupants or lessees of all occupied houses, buildings or property within the Village shall deposit all garbage, rubbish, and/or waste generated by such owners in containers approved by the Village Board. The entity or entities contracted by the board shall, not less than once a week, collect such garbage, rubbish, and/or waste and dispose of the same in a landfill approved by the State of Nebraska.

B. The rates for garbage, rubbish, and/or waste collection and disposal services as provided herein and the times for collections shall be established by resolution of the Village Board and kept on file in the office of the village clerk. Nothing herein shall be construed to obligate the Village to provide such pickup and disposal services to non-residents.

(Ord. No. 2010-11, 12/14/10)

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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