

CHAPTER 7 – PUBLIC UTILITIES

ARTICLE 1 – UTILITIES GENERALLY

- SECTION 7-101: VILLAGE POWERS; RATE SETTING**
- SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES**
- SECTION 7-103: SERVICE CONTRACT; NOT TRANSFERABLE**
- SECTION 7-104: CONSUMER'S APPLICATION; DEPOSIT**
- SECTION 7-105: SERVICE TO NONRESIDENTS**
- SECTION 7-106: BILLING AND COLLECTIONS; DELINQUENCY;
DISCONNECTION**
- SECTION 7-107: WINTER DISCONNECTION POLICY**
- SECTION 7-108: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**
- SECTION 7-109: LIEN**
- SECTION 7-110: DIVERSION OF SERVICES; UNLAWFUL ACTS;
RECONNECTION; PENALTIES**

ARTICLE 2 – WATER DEPARTMENT

- SECTION 7-201: OPERATION AND FUNDING**
- SECTION 7-202: DEFINITIONS**
- SECTION 7-203: CONNECTION TO WATER SYSTEM**
- SECTION 7-204: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**
- SECTION 7-205: WATER METERS REQUIRED; LAWFUL USE**
- SECTION 7-206: INSTALLATION; EXPENSE**
- SECTION 7-207: REPAIRS AND MAINTENANCE**
- SECTION 7-208: PLUMBER'S LIABILITY**
- SECTION 7-209: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**
- SECTION 7-210: WATER RATES**
- SECTION 7-211: BILLING AND COLLECTIONS**
- SECTION 7-212: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-213: DESTRUCTION OF PROPERTY**
- SECTION 7-214: FIRE HYDRANTS**
- SECTION 7-215: POLLUTION**
- SECTION 7-216: BACKFLOW PREVENTION; CUSTOMER INSTALLATION
AND MAINTENANCE; TESTING**
- SECTION 7-217: RESTRICTED USE**
- SECTION 7-218: WATER SHORTAGE REGULATIONS**
- SECTION 7-219: COMMERCIAL LIVESTOCK WATERING OPERATIONS**
- SECTION 7-220: WELLS AND OTHER UNDERGROUND FACILITIES;
DISTANCE FROM VILLAGE WATER SOURCES**

ARTICLE 3 – SEWER DEPARTMENT

- SECTION 7-301: OPERATION AND FUNDING**
- SECTION 7-302: DEFINITIONS**
- SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED
FACILITIES**
- SECTION 7-304: CONNECTION TO SEWER SYSTEM**
- SECTION 7-305: INSTALLATION; EXPENSE**
- SECTION 7-306: REPAIRS AND MAINTENANCE**
- SECTION 7-307: PLUMBER'S LIABILITY**
- SECTION 7-308: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**
- SECTION 7-309: INSTALLATION; USE OF EXISTING SEWERS**

- SECTION 7-310: INSTALLATION; INDEPENDENT CONNECTION;
EXCEPTION**
- SECTION 7-311: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED
DRAINAGE**
- SECTION 7-312: SEWER RATES**
- SECTION 7-313: BILLING AND COLLECTIONS**
- SECTION 7-314: SERVICE INTERRUPTIONS; NOTICE**
- SECTION 7-315: INSPECTIONS**
- SECTION 7-316: MANHOLES**
- SECTION 7-317: DESTRUCTION OF PROPERTY**

ARTICLE 4 – ELECTRIC DEPARTMENT

- SECTION 7-401: OWNERSHIP**
- SECTION 7-402: INSTALLATION EXPENSE**
- SECTION 7-403: METERS**
- SECTION 7-404: ELECTRICITY RATES**
- SECTION 7-405: BILLING AND COLLECTIONS**
- SECTION 7-406: RESTRICTED USE**
- SECTION 7-407: DESTRUCTION OF PROPERTY; METERS**
- SECTION 7-408: SIGNS, ADS, BANNERS**
- SECTION 7-409: INSPECTIONS**
- SECTION 7-410: TREES; OVERHANGING BRANCHES**

ARTICLE 5 – SOLID WASTE

- SECTION 7-501: DEFINITIONS**
- SECTION 7-502: RESIDENTS' RESPONSIBILITY**
- SECTION 7-503: CONTRACT; COLLECTION; RATES; BILLING**
- SECTION 7-504: YARD WASTE PROHIBITED**
- SECTION 7-505: CONSTRUCTION DEBRIS; BULKY ITEMS**
- SECTION 7-506: UNAUTHORIZED USE OF SERVICE**
- SECTION 7-507: RUBBISH AND LITTER ON PUBLIC AND PRIVATE
PROPERTY; LIABILITY**
- SECTION 7-508: DEAD ANIMALS**

ARTICLE 6 – PENAL PROVISION

- SECTION 7-601: VIOLATION; PENALTY**

CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: VILLAGE POWERS; RATE SETTING

A. The Village currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution system. The Village has the right and power to tax assets and collect from its residents payment for use of the water supplied to them by the water system, for use of the sewer system, and for use of the electricity supplied to them by the electrical system. The Village Board is authorized to establish by ordinance such rates for water, sewer, and electrical service as may be deemed fair and reasonable.

B. The Village Board may classify the customers of the Sewer Department for the

purpose of sewer use fees provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

C. Each utility customer, residential and commercial, will have an additional charge added to his or her monthly utility bill for animal control and economic development purposes. Residential utility customers only shall have an additional charge added to his or her monthly utility bill for miscellaneous purposes. All of said charges shall be as set by resolution of the Village Board and kept on file at the office of the village clerk.

D. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the village clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542, 17-925.02, 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.

SECTION 7-103: 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 utilities 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 utilities superintendent or 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 7-104: CONSUMER'S APPLICATION; DEPOSIT

A. Any person desiring to connect to any village utility must make an application to the village clerk on a form provided by the clerk. The application shall be accompanied by any proof of valid identification of the applicant which the clerk may require. All applications and accounts established as a result thereof shall be made in the name of the record owner(s) of the property to which the utility will be supplied or, in the case of any landlord/tenant, lessor/lessee, or similar situation, in the name of the tenant, lessee, or person similarly situated residing at the property to which the utility is supplied; provided,

the tenant, lessee, or person(s) similarly situated shall, upon request of the village clerk and as a condition of utility service, furnish a copy of the lease or rental agreement or otherwise provide satisfactory evidence that the landlord or lessor permits him or her to make the application. The record owner(s) shall be and remain ultimately responsible for payment of any utility service, whether or not residing at the property to which the utility is supplied and whether or not the account is ever in the name of a tenant, lessee, or person(s) similarly situated. The Village reserves the right to refuse to supply utilities to a property deemed unsafe or dangerous, a nuisance, or uninhabitable.

B. For the purpose of guaranteeing payment, each person making application for any utility service shall make a noninterest-bearing deposit to the village clerk in an amount established by resolution of the Village Board. Said utility deposit shall include tap fees for water and sewer service, as well as a deposit for the water meter. Any such deposit shall be recorded and maintained by the village clerk and shall remain on file in the name of the subscriber so long as any utility service is being provided to such subscriber at the subject property, unless otherwise provided by resolution of the board. The deposit may be applied toward the payment of any delinquent account. If so applied, an additional full security deposit shall be made upon, and as a condition of, utility reconnection.

C. Further, any subscriber desiring utility reconnection after a disconnection due to delinquency shall make a full deposit upon, and as a condition of, utility reconnection, whether or not such subscriber made any security deposit initially. The village clerk shall refund any deposit upon termination or discontinuance of utility service to the subject property, after first applying it to any delinquent bill or as otherwise provided by resolution of the board. 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.

D. 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. 2018-2, 10/3/18)

SECTION 7-105: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the Village and who desires to connect to village water and sewer service shall file a written application with the village clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises are devoted, and such other information as the Village Board may require. 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 7-106: BILLING AND COLLECTIONS; DELINQUENCY; DISCONNECTION

A. Joint water, sewer, garbage pickup and electricity bills shall be due and payable monthly at the office of the village clerk. Bills shall be issued on or about the first day of each month and shall be payable upon receipt. The village clerk will accept payments in the form of cash, check, money order, credit card, debit card, and e-checks; provided, in the event any subscriber has submitted a payment that was returned for insufficient funds or any other reason, the village clerk thereafter will accept a money order or cash only from such subscriber and a fee, in an amount established by resolution of the board and

kept on file at the office of the village clerk, shall be charged to such subscriber and added to the subscriber's utility bill.

B. The village clerk must receive payment in full on or before the 15th day of each month. A late fee of 15% of the bill shall be charged to any subscriber who fails to make full payment by that date. During the winter months from November 1 to March 31, a late fee of 5% of the bill shall be charged to any subscriber who fails to make full payment by that date.

C. A subscriber causing utility disconnections and reconnections, whether due to delinquency in payment or otherwise, shall be charged a fee in an amount established by resolution of the Village Board and kept on file at the office of the village clerk. A utility reconnection will be made only after the subscriber has paid his or her account in full, including any and all applicable fees, and the security deposit required herein. When disconnection is necessary, the Village Board shall cut off service in compliance with Section 7-108.

(Neb. Rev. Stat. §§17-538, 17-542) (Ord. No. 2018-2, 10/3/18)

SECTION 7-107: WINTER DISCONNECTION POLICY

1. Winter months will be from November 1 to March 31.
2. Penalties will be 5% of the total balance owed during the winter months.
3. Customers are required to pay only 75% of their back balance by the extension due date during these months.
4. Back balances must be paid in full by April.

SECTION 7-108: 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:

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 thirty 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 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 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 disputed by a domestic subscriber. 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) (Ord. No. 2018-2, 10/3/18)

SECTION 7-109: 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 monthly 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 7-110: DIVERSION OF SERVICES; UNLAWFUL ACTS; RECONNECTION; PENALTIES

A. *Diversion, Bypass, or Theft of Services.* Any person who commits, authorizes, solicits, aids, or abets the diversion, bypass, theft, tampering with, or engaging in unauthorized metering of any utility service offered by the Village shall be subject to discontinuance of said service at any location within the Village.

B. *Persons Responsible.* For the purposes of this section, the owner, occupant, or customer at the location of the diversion, bypass, theft, tampering, or unauthorized metering is presumed to know of its occurrence and shall be subject to this section, provided such person had access to the part of the utility supply system at the location where the diversion, bypass, theft, tampering, or unauthorized metering is found to exist.

C. *Reconnection; Damages.* As a condition of utility reconnection anywhere within the Village, such person shall pay to the Village the amount of actual damage or loss caused by the diversion, bypass, theft, or tampering, if the amount of damage or loss is able to be reasonably calculated or, if the amount of damage or loss is not able to be reasonably calculated, such person shall pay liquidated damages in the amount of \$750.00. This section shall be deemed to be supplemental and cumulative to, and not in lieu of, any other remedy of the Village provided by law.

D. *Additional Penalties.* Any person who diverts, bypasses, steals, tampers with, or engages in unauthorized metering of any public utility shall be deemed guilty of an offense and shall be punished as provided generally at the end of this chapter.

E. *Public Utility Defined.* For the purposes of this section, "public utility" shall mean electric, water, or sewer service and any other utility as the Village may supply from time to time.

(Neb. Rev. Stat. §§25-21,276 through 25-21,278) (Ord. No. 2017-3, 11/1/17)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his 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. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

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

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: 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; provided, no person shall be allowed to hook up a mechanical heat pump device or other prohibited mechanical device with such 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.

(Neb. Rev. Stat. §17-532)

D. Private wells previously constructed and operating prior to the Village's establishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health. New wells are prohibited.

(Neb. Rev. Stat. §17-532)

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

Any pipe, solders, or flux used in the installation or repair of any building, residential or nonresidential, 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: WATER METERS REQUIRED; LAWFUL USE

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

SECTION 7-206: INSTALLATION; EXPENSE

A. The Village shall pay the cost of tapping the water main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his or her duly authorized agent shall tap the main. 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. The Village shall be the owner of any water mains and shall maintain and replace the same at no cost to the applicant or user. Fire hydrants and valves pertaining to hydrants will be paid for out of the water fund. In cases where the main construction requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

B. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utilities superintendent, pay the costs of extension including 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 7-207: REPAIRS AND MAINTENANCE

A. Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department shall be made by the Village, which 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 utilities superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent.

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

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the Village shall bear the expense of such test. The Village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year;

provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent.
(Neb. Rev. Stat. §17-537)

SECTION 7-208: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the utilities 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 utilities superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-209: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the water system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications on file with the village office and prescribed for such installation by the village engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. Where the material proposed to be used for water system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-210: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-211: 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 7-212: RIGHT OF ENTRY FOR INSPECTION

The utilities superintendent or 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 parts of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

SECTION 7-213: DESTRUCTION OF PROPERTY

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

SECTION 7-214: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public fixtures

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 7-215: POLLUTION

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

SECTION 7-216: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

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

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

C. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a licensed plumber, if applicable.

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

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

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

SECTION 7-217: RESTRICTED USE

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

SECTION 7-218: WATER SHORTAGE REGULATIONS

A. *Application of Regulations.* The provisions of this section shall apply to all persons using water both in and outside the village corporate limits and regardless of whether any person using water has a contract for water service with the Village.

B. *Certain Uses Prohibited.* The use and withdrawal of water by any person for the following purposes is hereby prohibited, except as noted herein, upon passage of a resolution declaring an emergency water shortage pursuant to this section:

1. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation shall be limited to even-numbered days of the month for houses with even-numbered addresses and odd-numbered days of the month for houses with odd-numbered addresses.
2. The washing of automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment.
3. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
4. The washing of the outside of dwellings and the washing of the inside and outside of office buildings.
5. The washing and cleaning of any business or industrial equipment and machinery.
6. The operation of any ornamental fountain or other structure making a similar use of water.
7. Swimming and wading pools not employing a filter and recirculating system, other than the village pool.
8. The escape of water through "defective plumbing," which shall mean the knowing permission for such plumbing to remain out of repair.

C. *Exception to Maintain Sanitation.* The village clerk shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards after receipt of a request for a variance from this section accompanied by a licensed nurse or physician's recommendations.

D. *Enforcement.*

1. Every police officer of the Village shall, in connection with his or her duties imposed by law, diligently enforce the provisions of this section.
2. The Village shall have the authority to enforce the provisions of this section by the discontinuance of water service in the event of a violation thereof.

SECTION 7-219: COMMERCIAL LIVESTOCK WATERING OPERATIONS

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

SECTION 7-220: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

A. For purposes of this section, "water well" shall mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal property of the ground or extracting water from or injecting water into the underground water. "Water well" shall not include any excavation made for obtaining or prospecting for

oils, natural gas, or products mined or quarried or inserting media to repressure oil or natural gas-bearing formation. The intent of this section is to establish control by the Village over the location of future potential sources of contamination within the Village and the extraterritorial jurisdiction of the Village's drinking water system so as to prevent or minimize any hazard to the safety of the drinking water.

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

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

(Nebraska DHHS 4/4/10)

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

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

1. The Village shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his or her examination and report shall be paid by the applicant in addition to any previously paid estimated costs.
2. The Village Board shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in subsection (A), the Village Board must act to prevent all sources of possible or likely water contamination.

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

F. Water wells in existence and use shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available

for public use to the Village. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this ordinance.

G. 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.

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his 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. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. It shall be unlawful to discharge to any natural outlet within the Village, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (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, subsurface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Village for such costs, which shall be as determined by the utilities superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

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 7-304: 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. §§17-149.01, 18-503)

SECTION 7-305: INSTALLATION; EXPENSE

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 utilities superintendent in his or her discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required 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. The Village shall repair or replace, as the case may be, all pipe constituting major sewer mains. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board.

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 utilities 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 utilities superintendent and shall be at all times subject to the inspection and approval of the superintendent. 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 utilities 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

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

SECTION 7-309: 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 utilities 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.

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. Other exceptions will be allowed only by special permission granted by the utilities superintendent. (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 utilities 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

All sewer customers shall be liable for the minimum rate provided by ordinance. (Neb. Rev. Stat. §18-509)

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: SERVICE INTERRUPTIONS; NOTICE

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

SECTION 7-315: INSPECTIONS

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

SECTION 7-316: 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 7-317: 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 – Electric Department

SECTION 7-401: OWNERSHIP

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

SECTION 7-402: INSTALLATION EXPENSE

The expense of installation and equipment up to and including the electrical meter shall be paid by the Village. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. All meters shall be placed upon the pole at or near the consumer's lot line. In the event that the customer desires underground

electrical wiring, the consumer shall pay the added cost of installation and will be responsible for maintenance and repair of underground wiring. (Neb. Rev. Stat. §17-902)

SECTION 7-403: METERS

All electrical meters shall be read at least one time each month between the 20th day and the 25th day of the month during which electric service is used. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six-month average of the season one year prior to such breakage shall be used for billing purposes. In the event there is no such basis for comparison, the utilities superintendent shall charge the customer such amount as he or she deems fair to both the customer and the Village. (Neb. Rev. Stat. §19-1404)

SECTION 7-404: ELECTRICITY RATES

Every electrical consumer shall be liable for the minimum rates provided by ordinance, unless and until the consumer shall, by written order, direct the utilities superintendent to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again. (Neb. Rev. Stat. §§17-902, 19-1404)

SECTION 7-405: BILLING AND COLLECTIONS

Procedures for billing and collection are set forth in Section 7-106.

SECTION 7-406: RESTRICTED USE

The electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The utilities superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Village shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the Village has no control; and the Village expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-407: DESTRUCTION OF PROPERTY; METERS

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 electrical system.

B. If the consumer permits or allows an electrical meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the meter must necessarily be repaired or replaced, the utilities superintendent shall bill and collect from such consumer the cost of meter repair or replacement as electrical rent. (Neb. Rev. Stat. §28-512)

SECTION 7-408: SIGNS, ADS, BANNERS

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the electrical system any sign, poster, advertisement, or banner without written permission from the utilities superintendent. (Neb. Rev. Stat. §19-1404)

SECTION 7-409: INSPECTIONS

The utilities superintendent or duly authorized agent shall have free access at any reason-

able time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

SECTION 7-410: TREES; OVERHANGING BRANCHES

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

B. Whenever it becomes necessary to protect the lines or property of the electric system of the Village, the utilities superintendent or his or her duly authorized agent shall have the right to remove and cut away, in a careful and prudent manner, overhanging branches or limbs of trees or to top trees so that the lines shall be free and open. Such right, privilege and authority may also be exercised by the Village whenever its chairman and Village Board, at any regular or special meeting, pass a resolution stating its intention to cut or remove such obstructions from the lines and service of its electrical distribution system.

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

The following definitions shall apply in interpretation and enforcement of this article.

"Garbage" means any kitchen refuse, decayed waste, dead animals, or other material that will or may decompose and become offensive to the public health.

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

"Waste" means cinders, ashes (when cool to the touch), broken plaster, brick, stone, sawdust, or sand.

"Yard waste" means leaves and grass.

SECTION 7-502: RESIDENTS' RESPONSIBILITY

A. It shall be unlawful for any person to keep in, on or about any dwelling, building or premises, 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 shall be kept in receptacles not exceeding a 30-gallon capacity and as nearly airtight as may be practical.

B. 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 police or code enforcement officer. 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. All persons shall have the contents of their garbage cans removed at least once per week.

SECTION 7-503: CONTRACT; COLLECTION; RATES; BILLING

The chairman and Village Board may from time to time enter into a contract with a reputable trash collection company or companies for the collection, transportation and disposal of all garbage, rubbish, trash and waste generated in the Village. The rates to be charged for collection and disposal of garbage, rubbish, trash and waste shall be set by the Village Board by resolution and kept on file in the village office. The village clerk shall bill each customer for the collection fees, which shall be a part of the joint utility bills and collected in the manner set forth in Chapter 7, Article 1 herein. (Neb. Rev. Stat. §19-2106)

SECTION 7-504: YARD WASTE PROHIBITED

It shall be unlawful for any person to place yard waste into an approved receptacle for collection by the contract vendor. Yard waste shall be disposed of by the owner of the premises upon which such yard waste is grown and produced by mulching, composting, or hauling away to an approved waste disposal or landfill site at the expense of the owner of said premises. (Neb. Rev. Stat. §19-2106)

SECTION 7-505: CONSTRUCTION DEBRIS; BULKY ITEMS

Used building materials and debris from construction, renovation, or demolition shall be removed from the Village by the owner thereof and delivered to an approved waste disposal or landfill site for disposal. Such removal and disposal shall be at the expense of the owner of said materials. Any bulky garbage, trash, or waste that does not fit into the approved receptacles shall be delivered to an approved waste disposal or landfill site by the owner thereof at his or her expense. Removal of items such as discarded furniture or appliances will be taken under consideration by the contract vendor and a final decision shall be at the discretion of the said vendor. (Neb. Rev. Stat. §19-2106)

SECTION 7-506: UNAUTHORIZED USE OF SERVICE

It shall be unlawful for any person to place garbage, rubbish or refuse for garbage pickup at the site of another who is primarily responsible for the garbage pickup costs. Each bag of garbage or piece of refuse or rubbish so left shall constitute a separate offense.

SECTION 7-507: RUBBISH AND LITTER ON PUBLIC AND PRIVATE PROPERTY; LIABILITY

A. It shall be unlawful to allow unsecured litter and rubbish to escape from private property and to deposit or allow to be deposited such litter and rubbish on any other public or private property or properties in the Village. Both the littering party and the landowner from where the litter came may be held responsible.

B. It shall be unlawful for a construction company, contractor and other builder(s) to allow construction debris to escape from the job site and to neglect to secure litter and rubbish so it does not blow in the wind. Any party found violating this subsection may be fined in an amount set by resolution of the Village Board and kept on file at the office of the village clerk for each piece of litter or rubbish escaping from the job site.

SECTION 7-508: DEAD ANIMALS

The owner of any animal that dies shall forthwith notify the Village so that such dead animal can be removed by the village garbage and waste collection service. It shall be unlawful for any person to bury any animal within the corporate limits of the Village, or within one mile thereof, or in or above the course of groundwater that is used for drinking

purposes by village inhabitants.

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

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