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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: VILLAGE POWERS; RATE SETTING

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

SECTION 7-102: MANDATORY USE OF VILLAGE SERVICES

All residents of the village shall be required to subscribe to village utility services. 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: CONSUMER'S CONTRACT; NOT TRANSFERABLE; NOTICE

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 or consumption of 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 public works director or his agent may cut off or disconnect the water, electrical and garbage collection service from the building or premises of such violation. No further connection for utility services to said building or premises shall again be made save or except by order of said director or his agent.

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 water, electrical and garbage collection service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utilities monthly until the public works director is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 7-104: NEW SERVICE; APPLICATION; METER DEPOSITS; BILLING; PENALTY; DISCONNECTION

All new utility customers shall establish service by making application and paying a meter deposit as follows:

A. *Application.* At the time of application for utility service, a credit history request provided by the village shall be completed and authorized by the applicant.

B. *Deposit.* After verification of the information provided, a deposit will be required for utility service. If the credit history information received from a previous utility company is satisfactory, a lesser deposit will be required. The deposit will be refunded to the applicant after 12 months of timely payment of his or her utility account if the applicant is a home or business owner. The deposit will not be returned if the utility user is a renter. When service is discontinued, the deposit will be returned to the renter after the final billing has been paid in full. The deposit may also be applied to the final bill. Such deposit amounts shall be as set by resolution of the Village Board and placed on file in the village office.

C. *Terms of Payment and Conditions.* All bills are due and payable on the date indicated on the printed bill. A 10% penalty will be assessed for delayed payment.

D. *Disconnect Notice and Reconnection Fees for Existing Service.*

1. In the event the village gives written notice by mail to a service and utility customer of the intention to disconnect service for non-payment of a due account, a penalty will be assessed as set by resolution of the Village Board and placed on file in the village office.
2. If utility service is disconnected due to non-payment, all service and utility bills associated with the subscriber will be required to be paid in full by cash or money order before utility service is reinstated. Disconnection procedures shall be in compliance with Section 7-105 below.
3. A reconnection fee shall be paid in cash or by money order at the time of reconnection and shall be a greater amount if the reconnection is after hours or on a weekend or holiday. The fee shall be as set by resolution of the Village Board and placed on file in the village office.

(Neb. Rev. Stat. §§17-538, 17-542) (Res. No. 07-02-19 (02), 2/19/07)

SECTION 7-105: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. No village utility shall discontinue service to any domestic subscriber for nonpayment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. If notice is given by first-class mail or electronic delivery, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the village regarding payment;
3. The date upon which service shall be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the village 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 the 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 village clerk within five days of receiving notice under this section and will prevent the disconnection of the utility services for a period of 30 days from such filing; only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;

8. The cost that will be borne by the domestic subscriber for a restoration of service;
9. A statement that the domestic subscriber may arrange with the village for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are clients of the Department of Social Services 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.

B. A domestic subscriber may dispute the proposed discontinuance of water or garbage service by notifying the village with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue service. Such conference shall be held before an employee designated by the village to hear such matters. The said employee shall hear and decide all matters disputed by domestic subscribers. The subjects to be heard shall include matters relating to a disputed bill.

C. Upon notice to the employee designated by the utility of any request for a conference by a domestic subscriber, the employee shall:

1. Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and
2. Hold a conference within 14 days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Evidence Rules. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under Neb. Rev. Stat. §§70-1605 to 70-1615, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the utility of any further action prior to the discontinuance of service. If a domestic subscriber contacts the utility prior to the scheduled conference and demonstrates that failure to attend is for a legitimate reason, the utility shall make a reasonable effort to reschedule the conference.

D. The employee of the utility shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any decision by the utility involving a disputed bill which results in a threatened termination of utility service. The employee

shall allow termination of utility service only as a measure of last resort after the utility has exhausted all other remedies less drastic than termination.

E. Any domestic subscriber may appeal an adverse decision of the utility employee as provided in Neb. Rev. Stat. §§70-1612 through 70-1614.

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. §§70-1603 through 70-1611)

SECTION 7-106: 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 or public works director to report to the Village Board, as often as required by the 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. Each report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerks of Furnas and Harlan counties to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-107: 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 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, 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, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

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

C. 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 or water passing through it without the knowledge and consent of the supplier of the electricity, electric current or water passing or intended to pass through such meter shall be deemed guilty of an offense.

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, 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 7-108: 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 public works director. 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 public works director shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The director shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours.

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

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP; PRIVATE WELLS

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 to persons within its corporate limits whose premises do not abut a street or alley in which a village commercial main is now or may hereafter be laid with permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide 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 does not violate applicable state laws or regulations promulgated by the Nebraska Department of Health. New wells may be installed by making application at the village office.

(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NON-RESIDENTS

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

SECTION 7-205: CONSUMER'S APPLICATION

All new water customers shall establish service by making application and paying a meter deposit as provided in Section 7-104. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux,

not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-207: INSTALLATION; EXPENSE

A. The applicant at his or her own expense shall tap the commercial main by a duly licensed plumber as his or her agent, under the general supervision of the public works director, at the point where the applicant's service pipe will be joined and the applicant shall furnish and install, at his or her own expense, ferrules or sewer clamps, corporation cock, pipe, trenching, labor and attachments to bring water service from the commercial main to the stop or curb box at or near the applicant's curb line, whether or not the consumer's property abuts a street where a commercial main is laid. The applicant, at his or her own expense, shall extend water service from the curb box or stop box at or near his or her curb line in, to and upon his or her own premises.

B. Applicants for water service whose property is situated outside the corporate limits of the village shall pay tap or connection fees in such sum as the chairman and Village Board shall in each case fix; provided, nothing herein shall be construed to obligate the village to furnish water service to non-residents unless it is able to do so without overloading its pumps, machinery or other equipment.

C. Extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts, as provided by law, by resolution of the chairman and Village Board if, upon investigation, the board shall conclude that the average annual consumption in said addition or territory will equal one-tenth of the cost of extending the commercial main or mains to supply such addition or territory; provided, if the premises of any applicant does not abut a street where a commercial main is laid or hereafter laid, and, if the creation of a water extension district is not feasible or practical, such applicant shall be supplied with service by connecting to the nearest commercial main and, at his or her own expense, shall bring the water service to his or her own premises from a point near the curb line on the street in which the commercial main to be tapped is laid.
(Neb. Rev. Stat. §17-542)

SECTION 7-208: 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. The customer shall be liable for damage occurring to the stop box or to village property.

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 director 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 public works director.

(Neb. Rev. Stat. §17-537)

SECTION 7-209: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the public works director and shall be at all times subject to the inspection and approval of the director. 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 public works director. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE

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 city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. 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)

SECTION 7-211: WATER RATES

A. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the public works director 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.

B. A customer charge will be assessed to each residence, each business, and

each water meter.

C. For each dwelling in a duplex, triplex or apartment building, each individual will be charged a customer charge for water service. For example, in a four-unit apartment building, all four residents will receive a customer charge even if the building is under one water meter.

D. A customer charge will be assessed for each water meter. For example, an address with a water meter for the home and another for the garden will be assessed two customer charges.

E. As a tariff of rates based on quarterly consumption for each resident consumer of water service from the waterworks system of the village, the Village Board shall from time to time set by ordinance_a schedule of rates to be charged to each such consumer, the amount of which shall be set forth on a printed card billed to the consumer.

(Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-212: 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, collection and termination procedures are set forth in Sections 7-104 and 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-214: 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 public works director.

SECTION 7-215: 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 7-216: POLLUTION OR CONTAMINATION

No person shall place in, near or around the reservoir, catch basins or any other part of the waterworks system of the village any dirt, filth or impure substance whatsoever nor any substance or fluid by which the water shall be rendered impure, unpalatable or dangerous for human or animal consumption. (Neb. Rev. Stat. §17-536)

SECTION 7-217: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

A. A customer of the Water Department may be required by the public works director 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 public works director.

B. The customer shall make application to the public works director 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 director shall approve or disapprove the application based on his opinion of whether such installation will protect the village water distribution system from potential backflow and cross-connection hazards.

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 public works director at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the public works director may be appealed to the Village Board.

SECTION 7-218: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES

A. 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

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the village or its extraterritorial jurisdiction without first having obtained the proper permit from the Village Board. 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 council must approve or deny said permit.

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 5 of this code.

(Ord. No. 330)

SECTION 7-219: RESTRICTED USE

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

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

"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, septic tank or other disposal terminal.

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

"House drain" shall mean that part of the horizontal piping within any building which receives the discharge from any or all fixtures within the structure and carries it to the house sewer outside the wall of the building.

"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.

"Public works director" shall mean the director of the village sewage system or his authorized deputy, agent or representative.

"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.

"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. No person shall throw, deposit, or cause or permit to be thrown or deposited into any vessel or receptacle connected with the public sewer any solid matter, oily wastes, acid, battery water, garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever except human excrement, urine, the necessary toilet paper, and drainage of such character.

C. 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.

D. It shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other similar facility intended or used for the disposal of sewage. Septic tanks shall be allowed subject to Section 7-317.

E. 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 public works director. Industrial cooling water or unpolluted process water may be discharged, on approval of the public works director, 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 public works director. 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.

F. 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.

G. 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: MANDATORY HOOKUP

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

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

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

(Neb. Rev. Stat. §18-503)

SECTION 7-305: SERVICE TO NON-RESIDENTS

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

SECTION 7-306: CONSUMER'S APPLICATION; CLASSIFICATION

All new sewer customers shall establish service by making application as provided in Section 7-104. For the purpose of rental fees, the Village Board may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Neb. Rev. Stat. §17-925.02)

SECTION 7-307: INSTALLATION EXPENSE

A. The owners of all premises to which the village sewer system is available must employ a licensed plumber or drain layer to make the necessary sewer connections to said premises.

B. The applicant or owner of the premises to be served, within or without a lateral sewer district, at his or her own expense, shall in all cases construct sewer improvements and bring sewer pipe from the main trunk line or lateral sewer in the street or alley nearest the applicant's premises where the "Y" or junction is or should be located to a point in the street near the owner's outer sidewalk line or to a point near the owner's lot line if connection is made to the main sewer in an alley and therefrom to and upon the premises to be served.

(Neb. Rev. Stat. §18-503)

SECTION 7-308: REPAIRS AND MAINTENANCE; PERMIT; LICENSED PLUMBER; PLUMBER'S LIABILITY

A. All repairs or replacements to service sewer pipes between the main sewer in the street or alley and the owner's lot line shall be made by the village at the expense of the owner of the premises served. All repairs or replacements to service sewer pipes on the premises of the owner shall be made by the owner at his or her own expense. The owner or his or her agent shall, before making any repair, replacement or connection to the sewer system, procure a written permit through the office of the village clerk. In no case shall any such permit be issued to a person other than a licensed plumber.

B. All work by plumbers shall be done in the manner required by the public works director and shall be at all times subject to the inspection and approval of the director. 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 public works director. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §§17-537, 18-1748)

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

A. The public works director and his employees shall have free access to all premises upon which sewer services are located or being constructed. The public works director shall supervise all sewer and house drain connections and excavations during the time the same are being installed or repaired.

B. All installation or repair of any part of the sewerage system shall be done under the supervision of the public works director 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 7-310: 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 public works director, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the director shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 7-311: 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 7-312: 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 public works director 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 7-313: SEWER RATES

A. All sewer customers shall be liable for the minimum rate provided by ordinance **and assessed upon move-in or annually on the April meter readings.**

.B. In lieu of the levy of a maintenance and repair tax, the chairman and the Village Board may, by ordinance, upon the recommendation of the public works director, establish a fair and reasonable service charge or rates to be paid by each property served by the sewerage system as provided by law.

C. There is hereby imposed a rental or use charge on the users of the sewerage system as follows:

1. *Computation of Charge.* For the use of the sanitary sewer system of the village, the village will calculate the average water usage for each property during the months of December, January, and February each year. Such figure will become the base rate for that property and shall remain the sewer rate for the remainder of the calendar year based upon the rate set by the Village Board.

If a customer's December, January and February billing statements are not available, the monthly rate shall be calculated on the basis of a 3,000 gallon metered waterbill until the December, January, and February billing statements are available or such other reasonable estimate can be made by the Village.

2. *Non-Contribution to Sewage System.* If any user can show to the satisfaction of the Village Board that any substantial portion of the water consumed by the user as determined by this ordinance is used for such purpose or purposes so that it does not contribute to the sanitary sewerage, such portion of water shall be disregarded for the purpose of determining the sewerage rental charges to the user.
3. *Users Outside Village.* All sewer users outside the village limits shall pay twice the regular use fee prescribed for sewer users inside the village limits.

4. *Special Rates.* When, in the judgment of the Village Board by reason of special conditions, the application of the sewerage rental charges set forth above would be inequitable or unfair to either the village or the user or, in the cases where the character of the sewage from a consumer is such that an additional burden is placed upon the sewerage system greater than that imposed by the average sewage delivered to the sewage disposal plant, a special rate may be established by contract or by resolution. To assist the Village Board in determining whether or not special conditions exist or additional burdens are placed upon the sewerage system, the user shall, upon the request of the Village Board, provide access of the user's sewer lateral at the point where representative samples may be taken. At the user's expense, strength from the character of this waste shall be tested and any special characteristics the waste may have shall be determined to the satisfaction of the Village Board.

5. *Use of Rental Charge.* Money raised from the sewerage rental charges shall be used for the maintenance and operation of the existing system or to create a reserve fund for the purpose of future maintenance or construction of a new sewer system for the village. Revenues from such charges shall also be used for the abatement or reduction of *ad valorem* taxes being levied or to be levied for the payment of bonds outstanding or to be issued for the construction of or additions of such sewerage system.

(Neb. Rev. Stat. §§17-925.01 through 17-925.04, 18-509, 18-510)

SECTION 7-314: 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, collection and termination procedures are set forth in Sections 7-104 and 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-315: MANHOLES

It shall be unlawful for any person to use any manhole in the streets and alleys of the village for anchorage or for any purpose other than that for which it was built. No one except the Village Board or their duly authorized agents shall enter or open any such manhole. 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 7-316: 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.

SECTION 7-317: SEPTIC TANK; PERMIT

A. Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the village, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the director.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works director. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the director.

D. The type, capacity, location, and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124(D).

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the village.

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer or by state or federal law.

Article 4 – Electric Department

SECTION 7-401: LIGHT COMMISSIONER

A. The public works director shall be light commissioner *ex officio* and shall have general control over the electric distribution system of the village, under the direction of the Village Board.

B. *Duties.* The light commissioner shall have the following duties:

1. To supervise all repairs made from time to time to the original construction or any extensions to the electric distribution system of the village;
2. To keep an accurate and complete record of all connections made to the electric distribution system;
3. To keep the machinery, apparatus, switches, wires, motors, meters, fixtures, poles, attachments and appurtenances of the electric distribution system in good working order;
4. To make all connections to and disconnections from the electric distribution system;
5. To read all meters; and
6. To inspect the lines and circuits of the electric distribution system no less than once during each six months unless otherwise provided by ordinance or resolution of the Village Board.

C. *Bond.* No bond shall be required of the light commissioner.

D. *Access to Premises.* The light commissioner and his duly authorized agents shall have free access to the premises in which electric light, power or current is being used to determine if it is being carried, distributed and used in the proper manner.

E. *Connections and Disconnections.* Connections to the electric distribution-system of the village shall be made by the light commissioner or his duly authorized agents. All disconnections of service shall be made by the light commissioner or his duly authorized agents. No line, fixture or appliance belonging to or a part of the electric distribution system of the village shall be moved or altered except by the light commissioner or his duly authorized agents.

SECTION 7-402: CONSUMER'S APPLICATION

All new electricity customers shall establish service by making application as provided in Section 7-104.

SECTION 7-403: POWER FURNISHED BY VILLAGE; SERVICE INTERRUPTIONS; LIABILITY

A. The village shall furnish electric energy for lights, heat and power to persons whose premises abut on any supply wire of the distribution system of the village.

B. The village shall in no manner be liable for any damages caused by shutting off the supply of electric power of any consumer while the system or any part thereof is undergoing repairs, or caused by the breaking of any supply wire, or by a shortage of electric power due to accident, to circumstances over which the village has no control, or to an act of God.

SECTION 7-404: CONNECTION; CONSTRUCTION STANDARDS; ELECTRICAL CODE

A. No person except the light commissioner or his duly authorized agents shall connect the consumer's premises with the electric distribution system. The village, by its light commissioner or his duly authorized agents, shall run or cause to be run supply wire or wires to the building or buildings of the consumer and shall supply all materials necessary to accomplish said connection; provided, the above rule shall apply only if the consumer's property abuts on a supply wire of the village's electric distribution system. If the consumer's property does not abut the electric distribution system, the consumer shall, at his or her own expense, construct and bring electric service from a point at or near the property line on a street where there is a supply wire to his or her premises.

B. All connections to the electric distribution system shall be made in conformity with the most approved methods of construction for safety to life and property. The regulations within the National Electrical Code (see Section 9-403) shall be *prima facie* evidence of the most approved methods.

C. No water pipe, sewer pipe or telephone conduit shall be laid in the same trench with any underground electric line in any street, alley or public grounds or nearer than 3 feet to any underground electric line.

SECTION 7-405: METERS

A. *Type and Installation.* Any meter approved by the Village Board may be used by consumers of the electric power distribution system. All meters shall be installed by the light commissioner or his agent designated for that purpose and all current shall be furnished through and measured by meter.

B. *Setting and Sealing.* Meters shall be so set that the dial or face of the meter shall be easily accessible to the light commissioner or his duly authorized agents when reading or testing the same. All meters shall be sealed and no person shall deface, injure or break any of said seals unless authorized to do so by the commissioner.

C. *Tampering.* It is hereby declared unlawful for any person to tamper with any electric meter or by means of contrivance or device to divert the electricity from the supply wire so that the same will not pass through the meter or, while passing through the meter, cause the same to register inaccurately. If any electric meter is found to have been tampered with, the electric meter shall be repaired and tested. Upon repetition of the offense, it will be optional with the light commissioner to discontinue the electric service or to collect the amount estimated to be due. Also see Section 7-106 (Diversion of Services).

D. *Recklessly Destroying Meters.* If the consumer permits or allows an electric meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the electric meter must necessarily be repaired or replaced, the light commissioner shall bill and collect from such consumer the cost of such meter repair or replacement in the same manner as electric rent.

SECTION 7-406: METER READING

All electric meters within and without the village shall be read each month by the light commissioner or his duly authorized agents. Accounts between the consumer and village shall be kept by and filed in the office of the village clerk. A consumer's ledger shall be kept and kept current with a separate account for each consumer.

SECTION 7-407: RATES

As a tariff based on monthly electric consumption for each resident consumer of electricity from the electric system of the village, the Village Board shall from time to time set by ordinance a schedule of rates to be charged each consumer, the amount of which will be set forth on a printed card billed to the consumer.

SECTION 7-408: BILLING AND COLLECTIONS

The village clerk shall bill the consumers and collect all money received by the village on the account of the Electric Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-104 and 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-409: SERVICE EXTENSION

Extension of supply wires of the electric distribution system of the village into unsupplied territory within the corporate limits may be made by means of electric

power extension districts, as provided by law by resolution of the Village Board, if the board shall, upon investigation, conclude that the average annual consumption in said addition or territory will equal one-tenth of the cost of extending the supply wire or wires to supply such addition or territory; provided, if the premises of any applicant does not abut on any supply wire of the electric distribution system of the village and if the creation of an electric power extension district is not feasible or practical, such applicant shall be supplied with service by connecting with the nearest supply wire and, at his or her own expense, shall bring the electric service to his or her own premises.

SECTION 7-410: RESERVATIONS AND USE LIMITATION; AMENDMENTS

A. The Village Board hereby delegates the light commissioner or his duly authorized agents the right, at all times, to shut off the current for any of the following reasons:

1. Necessary repairs or extensions;
2. Non-payment of bills when due;
3. Fraudulent representations in regard to the consumption of current for light, cooking, heat and power;
4. Protection of persons or property;
5. Violation of any the rules or requirements of this article.

B. The Village Board reserves the right to amend or alter, by ordinance or resolution, rules and regulations pertaining to electricity and electric power service.

SECTION 7-411: INSTALLATION OF INFRASTRUCTURE

All poles, overhead wires, transformers and other aerial construction, equipment or apparatus shall be erected in a substantial manner and shall be placed in the alleys of the village insofar as it is practical to do so. All wires shall be erected and maintained at such height as shall interfere as little as possible with other wires or business interests and all such wires shall be placed so as not to interfere with the common, ordinary, public travel upon village streets and alleys.

SECTION 7-412: OVERHANGING BRANCHES

Whenever it becomes necessary to protect the lines or property of the electric distribution system of the village, the light commissioner or his duly authorized agents shall have the right to remove and cut away, in a careful and prudent manner, overhanging branches or limbs of trees so that the lines shall be free and open. Such right, privilege and authority may also be exercised by the village whenever the Village Board at any regular or special meeting shall pass a resolution stating its intention to cut or remove such obstruction(s) to the lines and service of its electric distribution system.

SECTION 7-413: TRIMMING TREES

Any person desiring to cut or remove trees or to fell the same in close proximity to the lines of the electric distribution system of the village, which may cause injury or damage to the lines thereof, shall give reasonable notice to the village before commencing such work, shall secure a permit in writing from the light commissioner to do so and shall seek the assistance of the village to do said work so that electric service shall not be interrupted nor damage done to the lines or property of the village. Any person felling or removing such trees or branches of trees, resulting in the interruption of electric service or damage to the lines or property of the village, without having given notice to the village and/or without having received a permit in writing from the light commissioner to do so, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 7-601.

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

"Ashes" shall mean the residue from the burning of wood, coal, coke or other combustibles.

"Board of Health" or "board" shall mean the Board of Health of the Village of Oxford.

"Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Person" shall mean any person, firm, partnership, association, corporation or organization of any kind.

"Refuse" is all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.

"Rubbish" is non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

SECTION 7-502: COLLECTION BY VILLAGE; FEES

All garbage, refuse and ashes accumulated in the village shall be collected, conveyed and disposed of by the village under the supervision of the Board of Health and the public works director. Collection shall be made from all premises as scheduled from time to time by the public works director, provided that the material is properly stored for collection in a container complying with the provisions of this article. The fees for such collection shall be paid monthly in advance and shall be fixed from time to time by the Village Board by resolution, filed in the office of the village clerk, and published in a newspaper in general circulation in the village. (Neb. Rev. Stat. §19-2106)

SECTION 7-503: OWNER'S RESPONSIBILITY

It shall be unlawful for any person to keep garbage, trash, or waste of any kind that may be injurious to the public health or offensive to the residents of the village in, on, or about any dwelling, building, or premises or any other place in the village unless the same is kept in approved receptacles awaiting collection and disposal. No person may permit yard waste, garbage, trash, or waste to accumulate; and all persons shall properly dispose of the same within 24 hours after notification from the village

chairman, who shall represent the Board of Health. (Neb. Rev. Stat. §19-2106)

SECTION 7-504: COLLECTION PRACTICES

A. The village shall be responsible for collecting a reasonable accumulation of refuse from both residential and commercial properties. Additional charges may be assessed for excess collections.

B. The Board of Health shall direct collection of refuse that may be infectious, highly flammable or explosive and may impose bans upon any area where contagious diseases have prevailed.

SECTION 7-505: BILLS

Bills for the collection of solid waste shall be issued and collected monthly along with water, sewer, and electricity billing.

SECTION 7-506: CONTAINERS

All garbage, refuse and ashes for collection by the village shall be placed in metal containers provided by the village, equipped with covers and handles so that each one may be lifted and carried by one man.

SECTION 7-507: DISPOSAL

It shall be unlawful to:

A. Dispose of any garbage, refuse or ashes except in compliance with this article;

B. To transport any garbage, refuse or ashes in the village dump or land fill, except in compliance with this article;

C. To collect and dispose of any garbage, refuse or ashes within the village, except as authorized in this article; or

D. To burn garbage, trash, waste, refuse or debris within the corporate limits in any manner other than as authorized by this article; provided, the fire chief may authorize the burning of grass or weeds or the burning of old buildings and other combustibles by the Fire Department for firefighting training and practices.

SECTION 7-508: OWNER'S CONSENT

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the village without the consent of the owner of said premises.

SECTION 7-509: DEPOSITS ON STREETS

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the village; provided, this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this article in preparation for having such material collected and disposed of in the manner provided herein.

SECTION 7-510: WIND-BLOWN REFUSE

It shall be unlawful to cause or permit to accumulate anywhere in the village any dust, ashes or trash of such a material that can be blown away or about by the wind unless the same is kept in receptacles as set forth in this article.

SECTION 7-511: EXCLUSIONS

A. Nothing herein shall be construed to prohibit the following:

1. Burning combustible trash in a suitable container on the premises, subject to the provisions of Section 8-304 in regard to open burning;
2. Recycling wastes in any village-approved program for ecological purposes; or
3. Disposal of garbage or refuse by means of a kitchen or home disposal unit.

B. The container provisions of this article shall not apply to large, bulky refuse which may not be placed within a suitable container.

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.