

## **CHAPTER 6 – PUBLIC UTILITIES**

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## **CHAPTER 6 – PUBLIC UTILITIES**

### **Article 1 – Utilities Generally**

#### **SECTION 6-101: UTILITY DEPOSIT; AMOUNT**

A utility deposit shall be required from all users prior to connection of service. Such deposit shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours. The deposit shall be applied to any bill for utility service delinquent more than 15 days. Upon the discontinuance of the service and upon payment in full of all accrued and unpaid service, any remaining balance of such deposit shall be returned to the applicant without interest. The deposit shall be required prior to any reconnection after discontinuance of service for any reason. (Ord. No. 94-2, 6/1/94)

#### **SECTION 6-102: UTILITY CHARGES; PAYMENT; LIABILITY; DELINQUENCY**

1. On or before the last day of each calendar month, the village treasurer shall send to each municipal utility user a statement showing all utility charges and fees due. The total of all such charges and fees shall be due and payable by the 10th of the calendar month following the date of such statement. The owner of the premises served, any occupant thereof, and any user of the village utility services shall be jointly and severally liable for any and all charges for service provided to said premises.

2. In the event that any charges hereunder shall remain unpaid at the beginning of the second calendar month following the date of the statement for such service, they shall be deemed to be delinquent and the Village shall disconnect the water service to the premises for which the user charges are delinquent in the manner provided by law.

3. In addition to all other remedies, the total amount of delinquent utility charges and fees is hereby declared to be a lien upon the real estate for which the same was used. The village treasurer shall notify or cause to be notified in writing all owners of premises or their agents whenever the utility users at such premises 30 days or more delinquent in the payment of utility charges. It shall be the duty of the village treasurer to report to the Village Board a list of all unpaid accounts due for utility charges, together with a description of the premises upon which the same were used. The report shall be examined and approved by the Village Board and shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

(Ord. No. 94-2, 6/1/94)

#### **SECTION 6-103: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

1. No village utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice at

least seven days prior to termination by mail to any subscriber whose service is proposed to be terminated. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the county's Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

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

3. 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 its domestic subscribers or of the general public.

(Neb. Rev. Stat. §70-1603, 70-1604)

#### **SECTION 6-104: RECONNECTION FEE**

If utility service is disconnected, a reconnection fee shall be paid before service is restored. Such fee shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours. The Village may also take any action authorized by law to effect collection of delinquent charges.

#### **SECTION 6-105: LIEN**

In addition to all other remedies, if a customer 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 furnished. The village clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the village clerk to report to the Village Board a list of all unpaid accounts due for utility services, together with a description of the premises served. 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. §16-538, 16-125.01.18-503)

#### **SECTION 6-106: DIVERSION OF SERVICES; PENALTY**

1. 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 re-

ceiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

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

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

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

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

5. 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.

6. 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. §86-431.01 through 86-431.04)



## **Article 2 – Water Department**

### **SECTION 6-201: OPERATION AND FUNDING**

The Village owns and operates the municipal water system through the Village Board, which shall have the authority to adopt rules and regulations as necessary for the efficient operation, management, and use of the water system, for drinking, culinary, industry, sanitary, or other uses. The Village Board shall set the rates to be charged for service rendered by the system by ordinance and shall have on file a copy of the rates in the office of the village clerk for public inspection during office hours. (Ord. No. 98-2, 12/21/98)

### **SECTION 6-202: DEFINITIONS**

The following definitions shall be applied throughout this article and all sections of this ordinance. Where no definition is specified, normal dictionary usage of the word shall apply to the verbiage used herein.

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the said receptacle. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and, in no case less than one inch.

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

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

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

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

"Backflow prevention device" means any devices, method to type of construction intended to prevent backflow into a potable water system. Devices such as an "approved air-gap," "double check valve assembly," "antisiphon vacuum breaker" or a

"reduced pressure principle device" can be used, which have been approved by the utilities superintendent.

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

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

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

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

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

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

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

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

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

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

"Operator" means the operator of the village utilities or his/her authorized representative, as required by the laws set forth by the Village of Page, the State of Nebraska, and any and all other entities deemed necessary.

"Owner" means the entity delivering water through a public water supply system. The owner is the Village of Page.

"Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity. When the term "he" or "his" is used, it shall mean any male or female person.

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

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

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

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

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

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

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

"Service pipe" is hereby defined to be any pipe extending from the shutoff, stop box,

or curb cock at or near the lot line to beyond the property line of the consumer to the location on the premises where the water is to be disbursed. Every person desiring a supply of water, and/or, installation of service must make an application to the village clerk/treasurer. The application shall definitely and accurately state for what purpose and for what use the water is to be supplied and no different or additional use will be allowed except by permission of the Village Board. The village clerk/treasurer will require any applicant to make a service deposit in the amount as he/she deems necessary, subject to review of the Village Board. Water may not be supplied to any house or service pipe, private, except on the order of the village clerk/treasurer.

"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 shutoff, stop box, or curb cock is located.

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

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

(Ord. No. 98-2, 12/21/98)

#### **SECTION 6-203: MANDATORY CONNECTION; APPLICATION**

All users of water within the Village shall be required to apply for and obtain a connection with the municipal water system of the Village. Such application and connection shall be made in accordance with the ordinances of the Village and with any rules and regulations promulgated under authority of the Village. (Ord. No. 93-4, 10/6/93)

#### **SECTION 6-204: WATER CONTRACT; TERMS**

1. The Village, through the Water Department, shall furnish water services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish water service to persons whose premises are situated outside the corporate limits of the Village, as and when, according to law, the Village Board may see fit to do so. The rules, regulations and water rental rates hereinafter stated in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between the Village and every customer now or hereafter served.

2. Without further formality, the making of the application on the part of any applicant or the use of water service by present customers thereof shall constitute a contract between the customer and the Village, to which said contract both parties are bound. If a customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent or his/her agent may cut off or disconnect the water service from

the building or premises of such violation. No further connection for water service to said building or premises shall again be made except by order of the commissioner or his/her agent. (Neb. Rev. Stat. §17-901, §17-902)

#### **SECTION 6-205: WATER CONTRACT; NOT TRANSFERABLE**

1. Applications for water service are not transferable. Any person wishing to change from one location to another shall make a new application for water service. If any consumer shall move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he shall at once inform the village clerk/treasurer, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he shall be charged for all water used on the said premises until the village clerk/treasurer is otherwise advised of such circumstances. (Ord. No. 98-2, 12/21/98)

2. Upon re-occupancy of the property, the Village shall again be notified and a hookup fee will be assessed to compensate the Village for the additional hookup necessary to provide water service to the said premises again. Such fee shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours.

#### **SECTION 6-206: UTILITY DEPOSIT; METER**

The consumer shall pay a utility deposit which includes a deposit for sewer access and water service. Such utility deposit shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours. Said deposit is due and payable upon applying for water service or due and payable upon installation of water meters for existing service. All water meters shall be of a type and model furnished by the Village. All customers connected with the water plant and system of the Village shall have placed therein a water meter equipped with a remote readout. All meters and extensions shall be purchased and set in place at the expense of the Village. An application for water and sewer service or a contract must be signed by the customer and must be on file in the office of the village clerk/treasurer before any water shall be furnished to any customer. Application blanks shall be available at the office of the village clerk/treasurer. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-207: INSTALLATION; PERMIT, BOND**

No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any portion of the public water system or appurtenances without first obtaining a written permit from the village clerk. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed in favor of the Village and deposited with the clerk a surety bond in the sum of \$2,000.00, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Village pertaining to plumb-

ing. This bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, cost, expenses, outlays and claims of every nature and kind arising out of substandard work or negligence on his part in connection with the plumbing or excavating for plumbing as prescribed in this article. Such bond shall remain in force and must be executed for a period of two years, except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. (Ord. No. 93-4, 10/6/93)

#### **SECTION 6-208: PLUMBER; LICENSE REQUIRED**

It shall be unlawful for any unlicensed plumber to do any work upon any of the pipes or appurtenances of the village water system or to make any connection with or extension of the supply pipes of any consumer taking water from the said system. All plumbing shall be done in the manner required by the Village Board. The work of any licensed plumber shall at all times be subject to the inspection and approval of the Board, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Neb. Rev. Stat. §16-537)

#### **SECTION 6-209: INSTALLATION PROCEDURE**

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. All installations or repairs of pipes requires two inspections by an agent designated by the Village Board. The first inspection shall be made when connections or repairs are completed and before pipes are covered. The second inspection shall be made after the dirt work is completed and service is restored. It is the customer's responsibility to notify the village clerk/treasurer at the time the work is ready for each inspection. All installations shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Village Board. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-210: BARRICADES AND LIGHTS**

All excavations for connection with the municipal water system shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. (Ord. No. 93-4, 10/6/93)

#### **SECTION 6-211: SERVICE PIPE**

All service pipes from the point of union with the commercial main to premises of consumer shall be of plastic, copper, bronze or galvanized iron and of such strength and quality as prescribed by the chairman and Village Board. When, for any reason the Village shall notify a consumer in writing to replace service pipe in streets, con-

nection commercial main with premises of consumer and said consumer shall fail to deposit with the utilities superintendent the cost of service pipe replacement, as set forth in said notice, for a period of 20 days, then the Village shall install same and bill consumer of reimbursement as water rent; and if the same be not paid, it may be collected as delinquent water, as provided in this code. (Ord. No. 248, 5-3-88; 90-1, 3/6/90)

### **SECTION 6-212: USE OF LEAD PIPES, SOLDER AND FLUX PROHIBITED**

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

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

(Ord. No. 90-1, 3/6/90)

### **SECTION 6-213: INSTALLATION EXPENSE**

1. The expense of providing water service to the consumer from the nearest feasible main curb stop shall be paid by the Village. This expense shall include the cost of installation, pipe, stop box, meter and the expense of procuring the service to the curb stop.

2. The expense of providing water service to the consumer from the curb stop to the location that water service shall be used, shall be paid by the consumer, including all costs and expenses incidental to the application, installation, and connection to the water system. The owner or the person making such installation shall indemnify the Village from any laws or damage that may directly or indirectly be occasioned by said installation. (Ord. No. 93-4, 10/6/93)

### **SECTION 6-214: FEES AND COLLECTIONS**

The Village Board has the power and authority to fix the rates to be paid by the water customers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the village clerk, who shall bill the consumers and collect all money received by the Village on the account of the Water Department. (Ord. No. 98-2, 12/21/98)

### **SECTION 6-215: RATES**

All water consumers shall be liable for water service at the rates as hereinafter provided unless and until the consumer shall, by written order, direct the Village Board to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water service fees until water is turned on again. The water service rates are based on monthly water consumption. Said rates shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours.

## **SECTION 6-216: WATER BILLS**

Water bills shall be due and payable monthly at the office of the village clerk/ treasurer. The Village shall read or cause to read water meters on or about the 20th day of each month during which service is used. The village clerk/treasurer shall charge and collect from each customer for the amount of water consumed since the examination, together with any other charges, properly itemized, due the Water Department. Bills shall be sent on or about the first day of the month and shall be due upon receipt. (Ord. No. 98-2, 12/21/98)

## **SECTION 6-217: DELINQUENT BILLS**

Bills not paid by the tenth day of the month following the date the meter was read, shall be deemed to be delinquent. Upon being deemed delinquent, as herein defined, the Village shall disconnect the water service; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the village clerk/treasurer to notify the customer and the Department of Social Services by certified mail of the proposed termination. The village clerk/treasurer shall assess an additional fee of \$50.00 in the event that the water is shut off for the non-payment of any water bill, to compensate the Village for the additional hookup necessary to again provide water service to the delinquent customer. (Ord. No. 98-2, 12/21/98)

## **SECTION 6-218: WATER TREATMENT FEES**

There is hereby imposed on each user of the municipal water system of the Village in addition to all other municipal utility charges, a monthly water treatment fee. Said fee shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during office hours.

## **SECTION 6-219: LIEN**

In addition to all other remedies, if a customer shall for any reason, remain indebted to the Village for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent, which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk/treasurer shall notify in writing, or cause to be notified in writing, all owners of premises or their agents, whenever their tenants or lessees are 30 days or more delinquent in the payment of water rent. It shall be the duty of the village clerk/treasurer to report to the Village Board a list of all unpaid accounts due for water, together with a description of the premises upon which the same, if approved by the Village Board, shall be certified by the village clerk/treasurer to the county clerk to be collected as a special tax in the manner provided by law. (Ord. No. 98-2, 12/21/98)

## **SECTION 6-220: REPAIRS**

1. Repairs to the service pipe shall be made by and at the expense of, the cus-

tomers. All other repairs to the property of the water department, including the meter, shall be made by the Village. All water meters shall be kept in repair by the Village at the expense of the Village. When meters are worn out, they shall be replaced and reset by the Village at its expense, provided, if the customer permits or allows a water meter to be damaged, injured or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the village clerk shall bill and collect from the customer the cost of such water 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 consumer.

2. All meters shall be tested at the consumer's request, at the expense of the consumer, any reasonable number of times, provided, if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the Village. The Village reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at Village expense. Should a customer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of order 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 reasonably be fixed by the Village Board. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-221: INSPECTION**

The Village Board or its duly authorized agents 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. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-222: SERVICE TO NONRESIDENTS**

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. Nothing herein shall be construed to obligate the Village to provide water service to nonresidents. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-223: SINGLE PREMISES**

No consumer shall supply water to other families, or allow them to take water from his/her premises, nor after water is supplied into a building, shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for the alteration, extension, or attachment, without the written permission of the village clerk/treasurer. It shall be further unlawful for any person to tamper with any water from the service pipe so that water will not pass through the meter or while

passing through said meter to cause the meter to register inaccurately. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-224: FLUORIDE PROHIBITED**

Fluoride shall not be added to the water supply of the Village. (12/5/74)

#### **SECTION 6-225: RESTRICTED USE**

The Village Board, or its representative as named by resolution, 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 or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting off the supply of water to any customer 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. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-226: INTERRUPTION OF SERVICE; VILLAGE NOT LIABLE**

The Village shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs, will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the municipal water system or the water treatment equipment, all consumers effected by such interruption will be notified in advance whenever it is possible to do so. (Ord. No. 93-4, 10/6/93)

#### **SECTION 6-227: FIRE HYDRANTS**

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

#### **SECTION 6-228: DESTRUCTION OF PROPERTY**

No person shall, in any manner, break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal water system or water treatment system. Any person violation this provision shall be subject to immediate arrest upon a charge of malicious destruction of property. (Ord. No. 93-4, 10/6/93)

**SECTION 6-229: OPERATION OF CERTAIN FACILITIES NEAR VILLAGE WATER WELLS; NUISANCE, CONDITIONS**

1. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the Village, without first having obtained the proper permit from the Village Board.

2. Under no circumstances shall the Village Board of Trustees approve any permit to drill or operate any of the below-described facility within the indicated number of feet from the village water wells:

Potable water well	1,000 feet
Any other well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for water	500 feet
Cesspool	500 feet
Dumping grounds	500 feet
Feedlot or feedlot runoff	500 feet
Livestock pasture or corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sewer connection	100 feet
Sewer manhole	100 feet
Sewer line	50 feet

3. In order to obtain a permit to drill and/or operate any of the facilities listed above, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the Village Board. 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 above-described facilities, the Board must approve or deny said permit.

4. In the event any of the above-described facilities are installed or operated without first having obtained a permit from the Village and/or within a designated number of feet from the municipal water supply, then such facilities shall be deemed a nuisance and the Village Board shall abate such facility as a public nuisance pursuant to law. In addition thereto, and person violating any of the terms of this ordinance is hereby determined to be guilty of a Class III misdemeanor as the same is defined by Nebraska statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class III misdemeanor.

(Ord. No. 92-2, 9/2/94)

## **SECTION 6-230: BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE**

1. The purpose of these backflow regulations is to protect the public water supply system of the Village from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system. These regulations provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply system.

2. The operator shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If an approved backflow prevention device is required for the safety of the public water supply system in the judgment of the operator, then he/she shall give notice in writing to the consumer to install said device at each recommended location. The operator shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber or Nebraska Grade VI certified tester/repairman. Annual testing of all double check valves and reduced pressure zone devices shall be performed by the operator. If maintenance and repairs are deemed necessary by the operator, the consumer shall be contacted and issued an order to make all necessary repairs or maintenance. The consumer shall complete all maintenance or repairs within 30 days; if not, he/she shall be considered in violation of the backflow regulations and will be subject to disconnection of village water service.

3. No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless such cross-connections are abated or controlled in accordance with this rule and as required by the laws and regulations of the Nebraska Department of Health.

4. For the purposes of these backflow prevention regulations, whenever the operator is to make any decision or interpretation or whenever reference is made to the fact that the operator is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of these backflow prevention regulations and any other applicable provisions of the municipal code and state and federal laws.

(Ord. No. 98-2, 12/21/98)

## **SECTION 6-231: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEYS AND INVESTIGATIONS**

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

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

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

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

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

(Ord. No. 98-2, 12/21/98)

#### **SECTION 6-232: BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED**

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply

system when in the judgment of the operator a health, plumbing, pollution or system hazard exists.

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

- A. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;
- B. Premises having internal cross-connections that, in the judgment of the operator, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;
- C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
- D. Premises having a repeated history of cross-connections being established or re-established;
- E. Premises having more than one customer service connection, which could constitute a potential cross-connection.

3. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the operator determines that no health, pollution or system hazard to the public water supply system exists:

- A. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
- B. Testing laboratories, film laboratories, and film development facilities.
- C. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
- D. Food or beverage processing plants.
- E. Chemical plants.
- F. Metal de-greasing, plating industries, machine tool plants, die and metal processing or productions.
- G. Chemical and petroleum processing or storage plants.
- H. Car washes, automobile servicing facilities.
- I. Swimming pools, spas and hot tubs.
- J. Laundries and dry cleaners.
- K. Packing houses.

- L. Power plants.
- M. Premises having radioactive materials such as laboratories, industries, hospitals.
- N. Rendering plants.
- O. Premises having water recirculating systems as used for boilers or cooling systems.
- P. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
- Q. Beauty salons, barbershops, massage parlors, health clubs.
- R. Fire suppression systems.
- S. Multi-storied buildings greater than three stories in height.
- T. Schools, universities, colleges.
- U. Other commercial or industrial facilities which may constitute potential cross-connection sites.

(Ord. No. 98-2, 12/21/98)

### **SECTION 6-233: BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED**

1. The type of protection required herein shall depend on the degree of hazard that exists, as follows:

- A. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.
- B. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.
- C. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.
- D. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

2. An approved anti-siphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at the least 12 inches above the highest point reached by any water passing through the potential

source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

(Ord. No. 98-2, 12/21/98)

#### **SECTION 6-234: BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES**

1. Any approved backflow prevention device required by this article shall be installed at a location and in a manner approved by the operator. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device(s) within 90 days of notice and as directed by the operator.

2. Existing backflow prevention devices approved by the operator prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of this article, but only if the devices will satisfactorily protect the public water supply system. One-hundred-percent-closing shutoff ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the operator. If the operator deems it necessary that an existing backflow prevention device be replaced, it shall be replaced with an approved backflow prevention device.

(Ord. No. 98-2, 12/21/98)

#### **SECTION 6-235: BACKFLOW/BACKSIPHONAGE PREVENTION; BOOSTER PUMPS**

No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low pressure cut-off designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less. It shall be the duty of the customer to maintain the low pressure cut-off device in proper working order. (Ord. No. 98-2, 12/21/98)

#### **SECTION 6-236: BACKFLOW/BACKSIPHONAGE PREVENTION; YARD HYDRANTS**

The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have openings below the ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker. All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

(Ord. No. 98-2, 12/21/98)

## **SECTION 6-237: BACKFLOW/BACKSIPHONAGE PREVENTION; FIRE SUPPRESSION SYSTEMS**

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

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

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

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

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

(Ord. No. 98-2, 12/21/98)

## **SECTION 6-238: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS**

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

- A. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the operator;
- B. It is found that the backflow prevention device has been removed or bypassed;
- C. An unprotected cross-connection exists on the premises;
- D. A low pressure cut-off as required herein is not installed and maintained in working order; or

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

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

3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the operator.  
(Ord. No. 98-2, 12/21/98)

### **SECTION 6-239: BACKFLOW REGULATIONS; APPROVAL STANDARDS**

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

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

Said standards and specifications have been adopted by the operator. Final approval shall be evidenced by a certificate certifying full compliance with said standards and specifications.

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

deemed approved.

3. The operator may require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of strainers shall preclude the fouling of backflow devices due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow devices.

(Ord. No. 98-2, 12/21/98)

#### **SECTION 6-240: BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS**

The operator shall be relieved from personal liability. The Village shall hold harmless the operator from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this code or by reason of any act or omission of the operator in the discharge of his/her duties hereunder, when he/she acts in good faith and without malice. Any suit brought for carrying out the provisions of the code shall be defended by the Village or its insurance carrier, if any, through final determination of such proceedings. (Ord. No. 98-2, 12/21/98)



## **Article 3 – Sewer Department**

### **SECTION 6-301: OPERATION AND FUNDING**

The Village owns the sewer system and operates the same through the Water and Sewer Committee. The Village Board, for the purpose of defraying the cost of the management and maintenance of the village sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Water and Sewer Committee shall have the direct management and control of the Sewer Department, and it 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. (Neb. Rev. Stat. §16-149, 16-125.01)

### **SECTION 6-302: DEFINITIONS**

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

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

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Inspector" shall mean any person duly authorized by the chairman and Board of Trustees to inspect and approve the installation of building sewers and their connection to the public sewer system.

"May" is permissive; "shall" is mandatory.

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

"Public sewer" shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.

"Sanitary sewer" shall mean a sewer which 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 works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

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

"Shall" is mandatory; "may" is permissive.  
(Ord. No. 89-5, 6/1/94)

### **SECTION 6-303: USE OF PUBLIC SEWERS REQUIRED**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage.

2. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the subsequent provisions of this article.

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

4. The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located in public sewer of the village, is hereby required at his own expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 45 days after the date of official notice to do so, provided that the said public sewer is within 100 feet of the property line.

(Ord. No. 89-5, 6/1/94)

### **SECTION 6-304: CONSUMER'S APPLICATION**

Applications for sewer service shall be filed with the village clerk upon a form to be supplied by the Village. The application shall state the name of the applicant and the premises to be served. All applications shall be accompanied by a fee which shall be set by resolution of the Village Board and which shall be on file for public inspection at the office of the village clerk during normal office hours.

### **SECTION 6-305: SEWER CONTRACT; TERMS**

1. The Village, through the Sewer Department, shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer

service to persons whose premises are situated outside the corporate limits of the Village, as and when, according to law, the Village Board may see fit to do so. The rules, regulations and sewer rental rates hereinafter stated in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between the Village and every customer now or hereafter served.

2. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Village, to which said contract both parties are bound. If a customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the Water and Sewer Committee or its agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made except by order of the Committee or its agent.

(Neb. Rev. Stat. §17-901, §17-902)

#### **SECTION 6-306: SEWER CONTRACT; NOT TRANSFERABLE**

1. Contracts for sewer service are not transferable. Any person wishing to move from one location to another shall make a new application and sign a new contract. If any consumer shall move from, sell or otherwise dispose of the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the Village so that the sewer service can be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for sewer services on the said premises until the Village is otherwise advised of such circumstances.

2. Upon re-occupancy of the property, the Village shall again be notified and a hookup fee will be assessed in the amount of \$50.00 to compensate the Village for the additional hookup necessary to again provide sewer service to the said premises.

#### **SECTION 6-307: SEWER ACCOUNTS**

1. It is hereby made the duty of the village treasurer or his or her deputy to render bills for sewer service and all other charges in connection therewith and to collect all money due therefrom.

2. All revenues and money delivered from the operation of the sewer system shall be paid to and held by the village treasurer separate and apart from all other funds of the Village and all of said sums and all other funds and money incident to the operation of said system, as may be delivered to the village treasurer, shall be deposited in a separate fund designated the Village of Page Sewerage System Revenue Fund Account and said village treasurer shall administer said fund in every respect in a manner provided by law.

3. The village treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Village Board shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.  
(Ord. No. 89-6, 5/4/89)

### **SECTION 6-308: RATES**

The customer charge for sewer service shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during normal office hours.

### **SECTION 6-309: BILLING; DELINQUENT PAYMENTS**

1. Bills for the rate and charges are herein established by the Village and shall be sent monthly. All bills shall be payable on the first day of the month following the period service and shall be paid to the village treasurer or his or her deputy. If any charge for the services for the system shall not be paid by the 15<sup>th</sup> day of the month in which it shall become due and payable, a charge of 10% of the amount of the bill shall be added thereto and collected therewith. If any bills for the service of the sewer system shall remain unpaid after 30 days following the rendition of the bill therefor, the water supply for the lot, parcel of land or premises affected shall be cut off and shall not be turned on again except on payment in full of the delinquent charges therefor. The Village may also take any action authorized by law to effect collection of delinquent charges.

2. In addition to all other remedies, if a customer shall for any reason remain indebted to the Village for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was used. The village treasurer shall notify in writing all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of sewer use fees. It shall be the duty of the village treasurer to report to the Village Board a list of all unpaid accounts due for sewer use, together with a description of the premises upon which the same was used. The report shall be examined and approved by the Village Board and shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

(Ord. No. 89-6, 5/4/89)

### **SECTION 6-310: OWNER'S LIABILITY; DEPOSIT**

The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. A deposit shall be required from all tenants. The amount of said deposit shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during normal office hours. The deposit shall be

applied to any bill for sewer service delinquent more than 15 days. Upon the disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest. (Ord. No. 89-6, 5/4/89)

### **SECTION 6-311: INSTALLATION; PERMIT, BOND**

No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenances without first obtaining a written permit from the village clerk. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village and deposited with clerk a surety bond in the sum of \$2,000.00 upon the condition that he will perform faithfully all work with due care and skill and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Village pertaining to plumbing. This bond shall state that the person will indemnify and hold harmless the Village and the owner of the premises against all damages, costs, expenses outlays and claims of every nature and kind arising out of substandard work or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two years, except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-312: PLUMBER; LICENSE REQUIRED**

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain or attach to, modify or repair any appurtenances without having a current plumber's license issued by the State. Said plumber shall also comply with the rules and regulations of the Water and Sewer Committee. Nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

### **SECTION 6-313: INSTALLATION EXPENSE**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-314: SINGLE PREMISES**

A separate and independent building sewer shall be provided for each building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the

rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the inspector. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-315: USE OF OLD SEWERS**

Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this ordinance. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-316: INSTALLATION PROCEDURE**

1. The building sewer shall be constructed and installed in accordance with plans and specifications approved by the Village and all installations shall be subject to examination and test by the inspector for the Village.

2. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

3. The connection of the building sewer into the public sewer shall be made the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made by the designated "Y" branch in the main sewer, shall be made only as directed by the said inspector.

4. The Village shall install and maintain the main and "Y"s for each user connection. The customer shall install and maintain at his expense that portion of the service from the "Y" on the main to his premises. The size and slope of the building sewers shall be subject to the approval of authorized personnel of the Village, but in no event shall the diameter be less than four inches. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

5. The applicant for the building sewer shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said inspector or his agent.  
(Ord. No. 89-5, 6/1/94)

### **SECTION 6-317: BARRICADES AND LIGHTS**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said inspector. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-318: PRIVATE SEWAGE DISPOSAL**

Where a public sanitary sewer is not available under the provisions herein, the build-

ing sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health. At such times as public sewer becomes available to a property served by a sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village. No statement contained in this article shall be construed to interfere with any conditional requirements that may be imposed by the State Department of Health. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-319: PROHIBITED DISCHARGES**

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

2. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

3. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the inspector, who may prescribe limits on the strength and character of these waters or wastes.

(Ord. No. 89-5, 6/1/94)

### **SECTION 6-320: DISCONTINUANCE OF SERVICE BY THE VILLAGE**

Sewer service may be discontinued by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.

2. Nonpayment of bills.

3. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state or repair.

(Ord. No. 89-5, 6/1/94)

### **SECTION 6-321: INTERRUPTION OF SERVICE**

1. The Village shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for purpose of working

on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

2. The Village shall in no event be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

(Ord. No. 89-5, 6/1/94)

### **SECTION 6-322: INSPECTION**

The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized village personnel. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-323: DESTRUCTION OF PROPERTY**

No person shall maliciously, willfully, or negligently break, destroy, uncover, deface or tamper with any structure appurtenance or equipment which is a part of the municipal sewerage system. Any person violating this provision shall be subject to immediate arrest upon a charge of malicious destruction of property. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-324: POWERS AND AUTHORITY OF INSPECTOR**

The inspector and other duly authorized employees of the Village Board bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling, and testing, in accordance with the provisions of this ordinance. (Ord. No. 89-5, 6/1/94)

### **SECTION 6-325: USER CHARGE REVIEW**

The Village Board shall review the user charge system at least annually and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

### **SECTION 6-326: USER NOTIFICATION**

Each user will be notified at least annually with a regular bill of the rate and that portion of the user charges *ad valorem* which are attributable to wastewater treatment.

## **SECTION 6-327: SEWER MAINTENANCE FUND**

The operation, maintenance and replacement (OM&R) portion of the total sewer user charges shall be deposited in a non-lapsing Sewer Maintenance Fund, or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R. The Sewer Maintenance Fund will have a minimum of two primary accounts:

1. An O&M account with provision for carryover of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year; and
2. A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the "replacement" needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining said fund on a perpetual basis, the Village shall budget a sum of money not less than 20% of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal year-end balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.

## **SECTION 6-328: PENALTIES**

1. Any person found to be violating any provisions of this ordinance, with the exception of Section 6-324 (Powers and Authority of Inspector) shall be served by the village clerk with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently stop all violations.

2. Any violation of the rules and regulations after written notice to cease and desist shall constitute a misdemeanor and the violator, upon conviction thereof, shall be fined in an amount not to exceed \$100.00 and, in addition, shall become liable to the Village for any expense, loss or damage occasioned to the Village by reason of such violation.

(Ord. No. 89-5, 6/1/94)



## **Article 4 – Garbage and Waste Disposal**

### **SECTION 6-401: GARBAGE AND WASTE COLLECTION; BURNING BAN**

1. The Village by contract provides weekly curbside collection of the normal household, trash, refuse, garbage, etc., from all residences within the Village.

- A. These collections are to be made on a specific day unless weather or other adverse conditions make it impossible for the collector to perform its task on that specific day, in which case it will be collected on the following day or as soon thereafter as conditions permit. Collections will be made during normal working hours or from sunrise to sunset, whichever is the greater length of time.
- B. Residents shall have the refuse ready for collection at the street curbside in approved metal or plastic containers with lids secured or properly tied plastic containers. Additional pickup at any one residence shall be contracted for directly with the collector on an individual basis at established rates.
- C. Residents will be responsible for litter or spillage prior to collection. The collection contractor shall be responsible for litter or spillage after collection, and all refuse collected by the contractor shall be delivered to and deposited in a state licensed landfill or approved recycling plant site.

2. It shall be unlawful to build or set out fires within the Village, regardless of whether the fires are in fireproof trash burners or incinerators or not. It shall be unlawful for any person to set fire to, burn, or cause to be burned, any garbage, trash, refuse, animal matter, vegetable matter, straw, hay, leaves, brush, or any other item or matter. It shall be unlawful to do any such burning in the streets, alleys, or lands of the Village. Any person or firm violating this burning ban shall be prosecuted under the laws of the State of Nebraska.

(Ord. No. 88-2, 8/31/88)

### **SECTION 6-402: SERVICE RATES**

Each water service user of the Village shall pay a garbage service charge, which shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk during normal office hours. Each user shall also be responsible for prompt payment of all charges imposed and billed by the refuse contractor for a dumpster supplied for the refuse contractor, or for additional items of refuse removed for the user by the refuse contractor.

### **SECTION 6-403: DELINQUENT PAYMENTS**

In the event that any charges hereunder shall be delinquent, the Village shall discon-

nect the water service to the premises served by such garbage collection service; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the village clerk to notify the customer and the State Department of Social Services by certified mail of the proposed disconnection. The village treasurer shall assess an additional fee to compensate the Village for the additional hookup necessary to again provide water service to the delinquent customer. Such fee shall be set by resolution of the Village Board and shall be on file for public inspection at the office of the village clerk.

## **Article 5 – Penal Provision**

### **SECTION 6-501: VIOLATION; PENALTY**

Any person, firm, association or corporation violating any of the provisions of Chapter 6 for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and be fined in an amount of not more than \$500.00. Each day's maintenance of the same shall constitute a separate offense.