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## **CHAPTER 3 – DEPARTMENTS**

### **Article 1 – Fire Department**

#### **SECTION 3-101: OPERATION AND FUNDING; AGREEMENT WITH RURAL FIRE DISTRICT**

A. The Village operates the Fire Department through the fire chief and firefighters. The fire chief shall manage the Fire Department.

B. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improving of the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Fire Department fund. The fund shall be at all times in the possession of the village treasurer.

C. The Fire Department may also operate a rescue unit for the benefit of those within the Fire Protection District. The department shall make rules and regulations for the proper and effective use of emergency rescue equipment and for the adequate training of personnel to operate such equipment, subject to the review of the Village Board. It shall be the duty of the official in charge of the Rescue Squad during the time of a rescue call to ensure that every victim of mishap is aided or aided and transported to the emergency room of the nearest hospital. When available, rescue personnel shall respond to all fire calls. (Neb. Rev. Stat. §35-514.02)

D. The Fire Department is authorized to enter into an agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the Village and the Rural Fire District. Such an agreement shall provide for mutual aid, protection and a sharing of necessary expenses between the Village and the Rural Fire District. The agreement so entered into shall be on file in the office of the village clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-718, 35-501, 35-530)

#### **SECTION 3-102: DUTIES OF DEPARTMENT**

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires, to protect property within the Village, and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

#### **SECTION 3-103: FIRE CHIEF**

A. The fire chief shall be elected by the members of the Fire Department. He or she shall manage the Fire Department and it shall be his or her duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs

repair. Upon the written consent and directive of the board, the fire chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same; provided, no obligations, except in the event of an emergency or with regard to minor expenditures, shall be incurred on behalf of the Fire Department unless authorized in writing by the chairman and board prior to the incurring of any such obligation.

B. The fire chief shall, on the first day of April and October each year, cause the secretary to file with the village clerk a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law.

C. The chief shall enforce all laws and ordinances covering the prevention of fires, the storage and use of explosives and flammable substances, the installation of fire alarm systems, the regulation of fire escapes, and the inspection of all premises requiring adequate fire escapes. The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his or her jurisdiction for the purpose of examining the same for fire hazards and related dangers. The chief shall investigate the cause, origin, and circumstances of any fire arising within his or her jurisdiction.

D. The fire chief shall cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, and a record of all fires and shall make a full report of such records to the village clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he or she shall include the information of whether such losses were covered by insurance and, if so, in what amount. All records shall be kept at the office of the village clerk and available to the public during office hours.

(Neb. Rev. Stat. §§17-505, 35-102, 81-506, 81-512) (Am. Ord. No. 261, 6/3/75)

### **SECTION 3-104: MEMBERSHIP**

A. The Fire Department shall consist of so many members as may be decided by the Village Board. The members may organize themselves in any way they may decide, subject to the review of the board.

B. The fire chief shall appoint no more than 25 members for each Fire Department company subject to the review and approval of the board. All vacancies shall be filled in this manner.

C. Members of the Fire Department shall be considered to be employees of the Village for the purpose of providing them with workers' compensation and other benefits. For the purposes of Neb. Rev. Stat. §33-139.01, volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the Village.

D. The Village Board shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the active volunteer fire and rescue personnel, except that when any such person serves more than one village or rural fire protection district, the policy shall be purchased only by the first village or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000.00 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age 65. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the department.

E. The Village Board may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution.

F. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the fire chief or the Village Board. The members of the department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the village code or state laws.

G. Members of the Fire Department may hold meetings and engage in social activities with the approval of the Village Board. The secretary shall, upon request, keep a record of all meetings and shall make a report to the board of all meetings and activities of the Fire Department.

(Neb. Rev. Stat. §§33-139.01, 35-101 through 35-103, 35-108, 43-115) (Am. Ord. Nos. 261, 6/3/75; 618, 6/14/04)

### **SECTION 3-105: EQUIPMENT**

It shall be unlawful for any person except the fire chief and the members of the Fire Department to molest, destroy, handle, or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Village. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. Village employees shall not be involved in the fire or rescue actions other than as firemen or Rescue Squad members. Maintenance of the Fire Department building is the responsibility of the Village Board. (Neb. Rev. Stat. §28-519)

### **SECTION 3-106: IMPERSONATING FIREMAN**

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theatrical representation of a fireman for *bona fide* entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

**See Fire Regulations in Chapter 7.**





## Article 2 – Police Department

### SECTION 3-201: POWERS AND DUTIES

A. If the chairman and Village Board have provided for the appointment of a police chief, the Police Department shall consist of the chief of police and such further number of regular police officers as may be appointed. The chief of police shall, subject to the direction of the chairman, have control and management of all matters relating to the Police Department and its officers and members and shall have the custody and control of all property and books belonging to the department. The chief shall devote his or her time to village affairs and interests of the Village and to the preservation of peace, order, safety, and cleanliness thereof.

B. The department shall execute and enforce all laws and also the orders of the chairman. It shall be the duty of the department to protect the rights of persons and property. The department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Village. The department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. Village police officers shall have full power and authority to call on any person whenever necessary to assist them in performing public duties and failure, neglect or refusal to render such assistance shall be deemed an offense.

C. The village police, whether regular or special, shall have the power to arrest all offenders against the laws of the State or the Village and keep the said offenders in the village jail or some other place to prevent their escape until trial can be held before the proper official. Every village police officer shall be expected to be conversant with and knowledgeable of the village and state laws. No law enforcement official shall have any interest in any establishment having a liquor license. Village police shall have the duty to file such complaints and reports as may be required by village ordinances and state laws.

D. Village police who shall purposely and willfully fail, neglect, or refuse to make an arrest or purposely and willfully fail to make a complaint after an arrest is made shall be charged with a misdemeanor and upon conviction shall be fined. It shall be unlawful for the Village Board to retain any village police officer in such position upon conviction of any Class I misdemeanor, Class W misdemeanor, or any felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction.

E. It shall be the duty of every village police officer making a lawful arrest to search all persons in the presence of some other person whenever possible and shall carefully keep and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release.

F. Suitable uniforms and badges shall be furnished to the village police by the Village. Any member who shall lose or destroy the same shall be required to pay the replacement costs and in the event that any member shall leave the force, he or she shall immediately deliver his or her badge to the village police chief. The Village Board may from time to time provide the village police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. (Neb. Rev. Stat. §§17-107, 17-118, 17-124)

### **SECTION 3-202: ARREST JURISDICTION**

A. For purposes of this section:

1. "Law enforcement officer" has the same meaning as "peace officer," as defined in Neb. Rev. Stat. §49-801, and also includes conservation officers of the Game and Parks Commission; and
2. "Primary jurisdiction" means the geographic area within the territorial limits of the State or political subdivision which employs the law enforcement officer.

B. Any village law enforcement officer shall have the power and authority to enforce state laws and village ordinances or otherwise perform the functions of that office anywhere within the primary jurisdiction.

C. Any village law enforcement officer who is within this state but beyond the territorial limits of the primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the Village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

1. Any village law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;
2. Any village law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return him or her to the officer's primary jurisdiction;
3. Any village law enforcement officer shall have such enforcement, arrest, and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance, which shall mean a law enforcement officer whose life is in danger or who needs assistance in making an arrest and the suspect will not be apprehended un-

less immediately arrested, may cause injury to himself or herself or others or damage to property unless immediately arrested, or may destroy or conceal evidence of the commission of a crime;

4. If the Village, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the Village shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. §13-1802.

D. When probable cause exists to believe that a person is operating or is in actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any drug or is otherwise in violation of Neb. Rev. Stat. §§28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02, the law enforcement officer has the power and authority to do any of the following or any combination thereof:

1. Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;
2. Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or
3. With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of the statutes enumerated above in this subsection (D).

E. If village law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the Village in the event of disaster, emergency, or civil defense emergency, or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the Village where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The Village shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant

to this division.

(Neb. Rev. Stat. §§29-215; 81-829.65) (Am. Ord. Nos. 427, 2/13/95; 535, 7/13/98; 619, 6/14/04)

### **SECTION 3-203: DISCHARGE OR DISCIPLINE; APPEAL**

A. No police officer, including the chief of police, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the Village Board. Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten days after being notified of such disciplinary action, file with the village clerk a written demand for a hearing before the board, which shall set the matter for hearing not less than ten nor more than 20 days after the filing of the written demand for a hearing. The board shall give the police officer written notice of the hearing not less than seven nor more than 14 days prior to the hearing. At such hearing, the police officer shall have the right to:

1. Respond in person to the charges and to present witnesses and documentary evidence;
2. Confront and cross-examine available adverse witnesses; and
3. Be represented by counsel.

B. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the Village Board shall vote to uphold, reverse, or modify the action. The failure of the board to act within 30 days or the failure of a majority of the board members to vote to reverse or modify the action shall be construed as a vote to uphold the action. The decision of the board shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

C. The chief of police or any other law enforcement officer may appeal to the Village Board his or her removal, demotion, or suspension with or without pay. After a hearing, the board may uphold, reverse, or modify the action.

D. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders. This section does not apply to a law enforcement officer during his or her probationary period.

E. If the initial decision to discipline, suspend, demote, remove or discharge a police officer is made by the chairman of the Village Board, he or she shall not be considered a member of the board for purposes of the appeal from his or her decision. (Neb. Rev. Stat. §17-208) (Ord. No. 450, 12/11/95)

## **Article 3 – Utilities Generally**

### **SECTION 3-301: VILLAGE POWERS; RATE SETTING**

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

### **SECTION 3-302: MANDATORY USE OF VILLAGE SERVICES**

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

### **SECTION 3-303: CONSUMER'S APPLICATION; HOOKUP FEE**

A. Every person or persons desiring utility services must make application therefor to the village clerk. The initial fee for any residence or business within the limits of the Village for water hookup including meter, sewer hookup and garbage pickup shall be as set by resolution of the Village Board and kept on file at the office of the village clerk. This fee shall be refundable in the following circumstances:

1. If after five years the resident or business has not been delinquent in any payment under this section; or
2. If the resident or business is departing the Village and there are no amounts owing for water, sewer or garbage pickup services.

B. The amount of said initial fee shall be changed as needed by the passing of a resolution to that effect by the Village Board. Interest shall be paid on said initial fee if and when it is required by state law.

C. Utility services shall not be supplied to any house or private service pipe except upon the written order of the utilities superintendent. No application shall be approved until after the same has been reviewed by the utilities superintendent.

D. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this village shall be denied service because of unpaid

bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

### **SECTION 3-304: SERVICE TO NONRESIDENTS**

Any person whose premises are located outside the corporate limits of the Village and who desires to connect to village water and sewer service shall file a written application with the village clerk for a permit for such connection. Such consumer shall pay the entire cost of labor and materials from the closest main to the place of dispersion on the property of the nonresident, including the fees required for nonresidents as set by the Village Board by resolution and kept on file in the village office. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the Village to provide water and sewer service to nonresidents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

### **SECTION 3-305: SERVICE CONTRACT; NOT TRANSFERABLE**

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

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

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

(Neb. Rev. Stat. §17-537)

### **SECTION 3-306: BILLING AND COLLECTIONS; DELINQUENCY; TERMINATION**

Bills for water, sewer, and garbage service shall be due and payable monthly at the office of the village clerk. Bills shall be issued on or about the first day of each month

and shall be payable by the tenth day of each month. The owner of the premises will in all cases be held primarily responsible and will be required to pay for utilities used at such premises. Bills not paid by the tenth day of each month shall be deemed to be delinquent. The village clerk shall send out a second notice 20 days after the bill was first due if the customer has not yet paid by that date. In the event that the bill is not paid within seven days after the sending of the second notice, it shall be discretionary with the utilities superintendent to cut off service in compliance with Section 3-307. If the customer's water has been turned off for nonpayment of bills, there shall be a reconnection charge as set by resolution of the Village Board and kept on file at the office of the village clerk, which shall be levied and paid prior to restoration of service. (Neb. Rev. Stat. §§17-538, 17-542)

### **SECTION 3-307: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**

A. No village utility shall discontinue service to any domestic subscriber for non-payment of any past due account unless such utility shall first give written notice by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days.

B. Each utility subject to subsection (A) shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

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

D. The notice required by subsection (A) above shall contain the following information:

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

a conference regarding any dispute over such proposed disconnection, as provided in subsection (E) below;

6. A statement that the utility may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subdivision for each incidence of nonpayment of any past-due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the utility for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Village Board.

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

F. This section shall not apply to any disconnections or interruptions of service made necessary by the Village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §§70-1605 through 70-1608) (Ord. No. 507, 8/11/97)

### **SECTION 3-308: LIENS**

A. The village clerk shall have the duty of collecting the fees paid by customers for village water and sewer use. If a customer shall for any reason order the service discontinued or shall remove himself or herself from the premises, the amount due



under the terms of this article, together with any other fees or charges in arrears, shall be considered as a delinquent utility bill which is hereby declared to be a lien upon the premises or real estate for which the same was used or supplied. Upon the refusal of the customer to pay the said delinquent utility bill, it shall be collected by being placed upon the assessment roll and tax books for collection.

B. The village clerk shall report monthly to the Village Board a list of all unpaid accounts due for utilities which are more than 60 days delinquent, together with a description of the premises upon which the same were used. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

(Neb. Rev. Stat. §§17-538, 17-925.01, 18-503) (Am. Ord. Nos. 295, 6/8/83; 304, 9/8/84; 405, 6/13/94; 436, 12/11/95; 437, 12/11/95; 470, 10/14/96; 471, 10/14/96; 470, 11/11/19)

### **SECTION 3-309: DIVERSION OF SERVICES; UNLAWFUL ACTS**

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

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

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 3-307 of this code shall be deemed guilty of an offense.

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

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence

of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.  
(Neb. Rev. Stat. §28-515.02) (Am. Ord. Nos. 449, 12/11/95; 609, 5/12/03)

### **SECTION 3-310: 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 4 – Water Department

### SECTION 3-401: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his or her office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by resolution 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 3-402: 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 3-403: CONNECTION TO WATER SYSTEM

A. The Village through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main

shall be required, upon notice by the Village Board, to hook up with the village water system.

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

C. Each primary structure hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the Village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein. (Neb. Rev. Stat. §17-532)

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

#### **SECTION 3-404: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 333, 5/9/88)

#### **SECTION 3-405: WATER METERS REQUIRED; LAWFUL USE**

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

#### **SECTION 3-406: INSTALLATION EXPENSE**

A. The expense of providing water service to the farthest edge of the sidewalk adjacent to the property to be served, away from the main, shall be paid by the Village; provided, that to defray the cost of such installation, the customer shall pay an initial hookup fee as provided in Section 3-303, which includes the tap fee and meter deposit.

B. The customer shall be required to pay the expense of services of a licensed

plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the said farthest edge of the sidewalk to the place of dispersion. It shall be unlawful for any person other than an employee or agent of the Village to tap the main in any street.

C. In the event that the customer to be served is not on a street in which there is located a water main, the customer shall pay any extra cost of bringing water service farther than the distance from the point at which the Village would provide service had the consumer owned property adjacent to a main existing at the time of the application.

D. The Village shall furnish for all customers the ferrules or clamps, corporation cocks, and meters and shall install the same.

E. All other expenses that may accrue as the result of supplying any customer with water service other than those specifically provided for herein shall, if they are foreseeable at the time of making the application, be paid by the customer in all cases. (Neb. Rev. Stat. §17-542)

### **SECTION 3-407: REPAIRS AND MAINTENANCE**

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

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

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the Village shall bear the expense of such test. The Village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent. (Neb. Rev. Stat. §17-537)

**SECTION 3-408: PLUMBER'S LIABILITY**

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

**SECTION 3-409: INSTALLATION OR REPAIR PROCEDURE**

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

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

C. All installations or repairs of pipes require two inspections by the utilities superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board.  
(Neb. Rev. Stat. §§17-537, 71-5301)

**SECTION 3-410: WATER RATES**

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

**SECTION 3-411: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the Village on the account of the Water Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 3-306. (Neb. Rev. Stat. §17-540)

**SECTION 3-412: RIGHT OF ENTRY FOR INSPECTION**

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

**SECTION 3-413: DESTRUCTION OF PROPERTY**

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

**SECTION 3-414: 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 3-415: POLLUTION**

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

**SECTION 3-416: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING**

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

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

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

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

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

F. This section is a summary; the full ordinance shall be kept on file in the office of the village clerk for public inspection.  
(Ord. No. 379, 11/9/92)

**SECTION 3-417: WELLHEAD PROTECTION AREA**

“Wellhead protection area” shall mean the surface and subsurface area surrounding a water well or well field, supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or wellfield. The Village Board has designated a wellhead protection area in and around the Village for the purpose of protecting the public water supply system. This delineation is set forth upon a map prepared by the Nebraska Department of Environmental Quality Wellhead Protection Program and presented to the Village on May 19, 2003, a copy of which shall be kept on file at the office of the village clerk. (Ord. No. 612, 7/14/03)

**SECTION 3-418: 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

(Nebraska DHHS 4/4/10)

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 board 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 4, Article 3 of this code. In addition thereto, any person violating any of the terms of this section is hereby determined to be guilty of a Class 3 misdemeanor as the same is defined by Nebraska statute. The penalty for such violation shall be that as defined by state law for the violation of a Class 3 misdemeanor.

(Am. Ord. Nos. 380, 12/14/92; 660, 9/12/16)

**SECTION 3-419: RESTRICTED USE**

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

**SECTION 3-420: WATER EMERGENCY; PURPOSE**

The purpose of the water emergency regulations is to provide for the declaration of a water supply watch, warning or emergency, and the implementation of voluntary and mandatory water conservation measures throughout the Village in the event such a watch, warning or emergency shall be declared. (Ord. No. 566, 7/10/00)

**SECTION 3-421: WATER EMERGENCY; DEFINITIONS; CLASSES OF USE**

A. Unless the context specifically indicates otherwise, the meaning of the follow-

ing terms as used in this section shall apply:

1. "Water" shall mean water available to the Village for treatment by virtue of its water rights or any treated water introduced by the Village into its water distribution system, including water offered for sale at any coin-operated site.
2. "Customer" shall mean the customer of record using water for any purpose from the Village's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
3. "Waste of water" includes but is not limited to (a) permitting water to escape down a gutter, ditch, or other surface drain; or (b) failure to repair a controllable leak of water due to defective plumbing.

B. The following classes of uses of water are established:

1. *Class 1:* Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.
2. *Class 2:* Water used for any commercial or industrial purpose, including agricultural, except water actually necessary to maintain the health and personal hygiene of bona fide employees while they are engaged in the performance of their duties at their places of employment.
3. *Class 3:* Domestic usage, other than that which would be included in either Classes 1 or 2.
4. *Class 4:* Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. No. 566, 7/10/00)

### **SECTION 3-422: WATER EMERGENCY; DECLARATION OF WATCH, WARNING, OR EMERGENCY**

A. Whenever the Village Board finds that conditions indicating that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official village newspaper.

B. Whenever the Village Board finds that drought conditions or some other con-

dition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official village newspaper.

C. Whenever the Village Board finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared to have ended by resolution of the board. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official village newspaper.

(Ord. No. 566, 7/10/00)

### **SECTION 3-423: WATER EMERGENCY; VOLUNTARY CONSERVATION**

Upon the declaration of a water watch or water warning as provided herein, the village chairman is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including but not limited to limitations on the following uses: (A) sprinkling of water on lawns, shrubs or trees, including golf courses; (B) washing of automobiles; (C) use of water in swimming pools, fountains and evaporative air conditioning systems; and (D) waste of water. (Ord. No. 566, 7/10/00)

### **SECTION 3-424: WATER EMERGENCY; MANDATORY CONSERVATION**

Upon the declaration of a water supply emergency, the chairman is also authorized to implement certain mandatory water conservation measures including but not limited to the following:

A. Suspension of new connections to the village's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the Village prior to the effective date of the declaration of the emergency;

B. Restrictions on the uses of water in one or more classes of water use, wholly or in part;

C. Restrictions on the sales of water at coin-operated facilities or sites;

D. The imposition of water rationing based on any reasonable formula including but not limited to the percentage of normal use and per capita or per consumer restrictions;

E. Complete or partial bans on the waste of water; and

F. Any combination of the foregoing measures.  
(Ord. No. 566, 7/10/00)

### **SECTION 3-425: WATER EMERGENCY; RATES**

Upon the declaration of a water supply emergency, the Village Board shall have the power to adopt emergency water rates by resolution designed to conserve water supplies. Such emergency rates may provide for but are not limited to: (A) higher charges for increasing usage per unit of use (increasing block rates); (B) uniform charges for water usage per unit of use (uniform unit rate); or (C) extra charges in excess of a specified level of water use (excess demand surcharge). (Ord. No. 566, 7/10/00)

### **SECTION 3-426: WATER EMERGENCY; REGULATIONS**

During the effective period of any water emergency, the village chairman or utilities superintendent is empowered to issue such immediate regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate resolution. Such regulations shall be subject to the approval of the Village Board at its next regular or special meeting. (Ord. No. 566, 7/10/00)

### **SECTION 3-427: WATER EMERGENCY; VIOLATION**

A. If the chairman or other village official charged with implementation and enforcement of this ordinance or a water supply emergency learns of any violation of any water use restrictions imposed herein, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the Village who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the Village determines is reasonable under the circumstances.

B. If the order is not complied with, the Village may terminate water service to the customer subject to the following procedures:

1. The Village shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the Village Board or a village official designated as a hearing officer;
2. If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
3. The Village Board or hearing officer shall make findings of fact and order whether service should continue or be terminated.

C. A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be increased for the second and subsequent reconnections. Said fees shall be set by the Village Board and kept on file in the office of the village clerk for public inspection.

D. A violation of these water emergency regulations shall be a municipal offense and may be prosecuted in County Court.  
(Ord. No. 566, 7/10/00)

**SECTION 3-428: WATER EMERGENCY; AUTHORIZATION**

Nothing in this ordinance shall limit the ability of any properly authorized village official to terminate the supply of water to any or all customers upon the determination of such official that emergency termination of water service is required for protection of the health and safety of the public. (Ord. No. 566, 7/10/00)



## Article 5 – Sewer Department

### SECTION 3-501: OPERATION AND FUNDING

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

B. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. The said board shall set the rates to be charged for services rendered by resolution 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 3-502: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 3-503: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES**

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

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

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

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



E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the village sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

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

(Ord. Nos. 350, 1/8/90; 354, 3/12/90)

### **SECTION 3-504: CONNECTION TO SEWER SYSTEM**

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

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

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

(Neb. Rev. Stat. §§17-149.01, 18-503)

### **SECTION 3-505: INSTALLATION EXPENSE**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay an initial hookup fee as provided in Section 3-303, which includes the sewer tap

fee. The customer shall be required to pay the expense of procuring the materials required, as well as the services of a plumber, and shall pay all the expense of installation including the expense of tapping the sewer main. (Neb. Rev. Stat. §18-503)

### **SECTION 3-506: REPAIRS AND MAINTENANCE**

The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the Village Board. (Neb. Rev. Stat. §18-1748)

### **SECTION 3-507: PLUMBER'S LIABILITY**

All work by plumbers shall be done in the manner required by the utilities superintendent and shall be at all times subject to his or her inspection and approval. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the utilities superintendent, making good any settlement of the ground or pavement caused by such excavations for a period of one year after such work has been completed. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work or to cover up any installation prior to its being inspected by the utilities superintendent. (Neb. Rev. Stat. §17-537)

### **SECTION 3-508: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**

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

### **SECTION 3-509: INSTALLATION; USE OF EXISTING SEWERS**

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the utilities superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the superintendent shall notify the

owner to make the necessary changes to conform to the provisions of the municipal code.

### **SECTION 3-510: 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 3-511: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE**

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

### **SECTION 3-512: SEWER RATES**

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

### **SECTION 3-513: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers, collect all money received by the Village on the account of the Sewer Department, and faithfully account for and pay to the village treasurer all revenue collected. Billing and collection procedures are set forth in Section 3-306. (Neb. Rev. Stat. §17-540)

### **SECTION 3-514: RIGHT OF ENTRY FOR INSPECTION**

The utilities superintendent or his or her duly authorized agent shall have free access at any reasonable time to all parts of each premises and building which is connected with the sewer system to ascertain whether there are any disrepairs or violations of this article therein. (Neb. Rev. Stat. §17-537)

### **SECTION 3-515: MANHOLES**

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle

connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

**SECTION 3-516: DESTRUCTION OF PROPERTY**

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

## Article 6 – Parks

### SECTION 3-601: OWNERSHIP

The Village owns and manages the village park through the Park Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the parks, swimming pool, and other similar areas of recreation and amusement, 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 Village that is subject to taxation. The revenue from the said tax shall be known as the park fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the parks and recreational areas of the Village. The park fund shall at all times be in the custody of the village treasurer. The chairman of the Park Board shall draw warrants on the park fund and when countersigned by the secretary shall be honored by the village treasurer. The board shall have the power and authority to hire such employees as may be deemed necessary for the operation of the parks and recreational areas and may pass such other rules and regulations as may be proper for their efficient operations. All actions by the board shall be subject to the supervision and control of the Village Board. (Neb. Rev. Stat. §§17-948 thru 17-952)



## **Article 7 – Dumping Grounds**

### **SECTION 3-701: OPERATION AND FUNDING**

The Village owns and operates the village dumping grounds. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village dumping grounds may each year levy a tax not to exceed the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the dump fund and shall remain in the custody of the village treasurer. The Village Board shall provide by resolution for the management and operation of the dumping grounds and shall set the rates to be charged for services rendered by resolution and file the same in the office of the village clerk for public inspection during office hours. (Neb. Rev. Stat. §§19-2101 thru 19-2106)

### **SECTION 3-702: UNLAWFUL WASTE DISPOSAL**

It shall be unlawful to dump any waste materials on any other place or places in the Village or within one mile thereof except by a written permit issued by the chairman of the Board of Trustees.





## **Article 8 – Penal Provision**

### **SECTION 3-801: 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 a misdemeanor 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.