

## **CHAPTER 6 – PUBLIC UTILITIES**

### **ARTICLE 1 – UTILITIES GENERALLY**

- 6-101 VILLAGE POWERS; RATE SETTING**
- 6-102 WATER AND SEWER BILLING AND COLLECTIONS**
- 6-103 DELINQUENT BILLS**
- 6-104 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

### **ARTICLE 2 – WATER DEPARTMENT**

- 6-201 OPERATION AND FUNDING**
- 6-202 DEFINITIONS**
- 6-203 MANDATORY HOOKUP**
- 6-204 CONSUMER’S APPLICATION**
- 6-205 WATER CONTRACT; NOT TRANSFERABLE**
- 6-206 LICENSED PLUMBER**
- 6-207 INSTALLATION PROCEDURE**
- 6-208 INSTALLATION EXPENSE**
- 6-209 RATES**
- 6-210 WATER BILLS**
- 6-211 COMPLAINTS**
- 6-212 REPAIRS AND MAINTENANCE**
- 6-213 METER TAMPERING; UNAUTHORIZED RECONNECTION**
- 6-214 SINGLE PREMISES**
- 6-215 POLLUTION**
- 6-216 INSPECTION**
- 6-217 DESTRUCTION OF PROPERTY**
- 6-218 FLUORIDE PROHIBITED**
- 6-219 (REPEALED)**
- 6-220 FIRE HYDRANTS**
- 6-221 BACKFLOW PREVENTION**
- 6-222 RIGHT OF ENTRY**
- 6-223 FACILITIES WITHIN DESIGNATED DISTANCES FROM VILLAGE WATER SOURCES**
- 6-224 WATER RESTRICTIONS; DECLARATION; PURPOSE**
- 6-225 WATER RESTRICTIONS; DEFINITIONS**
- 6-226 WATER RESTRICTIONS; DECLARATION OF WATCH**
- 6-227 WATER RESTRICTIONS; DECLARATION OF WARNING**
- 6-228 WATER RESTRICTIONS; DECLARATION OF EMERGENCY**
- 6-229 WATER RESTRICTIONS; VOLUNTARY CONSERVATION**
- 6-230 WATER RESTRICTIONS; MANDATORY CONSERVATION**
- 6-231 WATER RESTRICTIONS; EMERGENCY WATER RATES**
- 6-232 WATER RESTRICTIONS; REGULATIONS**
- 6-233 WATER RESTRICTIONS; VIOLATIONS; DISCONNECTIONS; PENALTIES**

- 6-234 WATER RESTRICTIONS; EMERGENCY TERMINATION**
- 6-235 WATER RESTRICTIONS; DAMAGE; VILLAGE LIABILITY**

### **ARTICLE 3 – SEWER DEPARTMENT**

- 6-301 OPERATION AND FUNDING**
- 6-302 SEWER, GENERALLY; TERMS DEFINED**
- 6-303 UNLAWFUL WASTE DISPOSAL**
- 6-304 UNLAWFUL FACILITIES; MANDATORY HOOKUP**
- 6-305 CONNECTION TO PUBLIC SEWER; PERMIT, FEE**
- 6-306 SEWER CONTRACT; NOT TRANSFERABLE**
- 6-307 INDEMNITY**
- 6-308 INSTALLATION EXPENSE**
- 6-309 USE OF EXISTING SEWERS**
- 6-310 PLUMBER; LICENSE REQUIRED; LIABILITY**
- 6-311 INSTALLATION PROCEDURE**
- 6-312 TRENCHING AND BACKFILLING**
- 6-313 SEPARATE PREMISES; EXCEPTION**
- 6-314 UNLAWFUL CONNECTIONS**
- 6-315 INSPECTION OF CONNECTIONS**
- 6-316 RATES**
- 6-317 BILLING AND COLLECTION**
- 6-318 REPAIRS AND REPLACEMENT**
- 6-319 MANHOLES**
- 6-320 TAMPERING WITH SEWAGE WORKS**
- 6-321 PRIVATE SEWAGE DISPOSAL; APPLICATION; PERMIT, FEE**
- 6-322 HAZARDOUS DISCHARGES; DEFINITIONS**
- 6-323 HAZARDOUS DISCHARGES; REGULATIONS**
- 6-324 HAZARDOUS DISCHARGES; INSPECTIONS; EASEMENTS**
- 6-325 VIOLATIONS**

### **ARTICLE 4 – PENAL PROVISION**

- 6-401 VIOLATION; PENALTY**

## **CHAPTER 6 – PUBLIC UTILITIES**

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

#### **SECTION 6-101: VILLAGE POWERS; RATE SETTING**

A. The Village currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system and provides statements monthly to the customers of both utilities.

B. The Village has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system. All such water rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the Board shall by ordinance direct and provide. (Neb. Rev. Stat. §17-538)

C. The Village Board is authorized to establish by ordinance such rates for sewer service as may be deemed fair and reasonable and all sewer charges shall be a lien upon the premises or real estate for which the same is used or supplied. Any lien shall be enforced in such manner as the Board provides by ordinance. (Neb. Rev. Stat. §17-925.01)  
(Ord. No. 1-2002, 1/8/02)

#### **SECTION 6-102: WATER AND SEWER BILLING AND COLLECTIONS**

A. The utilities superintendent shall read, or cause to be read, water meters on or about the last day of each month. It shall be the duty of the customers of the Water and Sewer Departments to pay their bills as and when the same are mailed or otherwise delivered to them. The village clerk shall charge and collect from each customer for the water consumed and use of the sewer system since the last examination, together with any other charges due, properly itemized. Bills shall be due on the 25<sup>th</sup> day of each month. Bills paid after the 25<sup>th</sup> day of each month shall have a penalty charge added thereto in an amount set by resolution of the Board and on file at the office of the village clerk.

B. Bills not paid by the 10<sup>th</sup> of the month following the end of each month shall be deemed to be delinquent. If a customer shall for any reason remain indebted to the Village for utility services furnished, such amount due, together with any rents, shall be a lien upon the real estate for which the same was used. The procedure for collection of such lien is described in Section 6-103.

C. The Village shall assess an additional fee set by resolution of the Board and on file at the office of the village clerk in the event that water is shut off for the nonpayment of any water bill, to compensate the Village for the additional hookup necessary to again provide water service to the delinquent customer.  
(Ord. No. 60, 2/4/86; Am. 2/9/10)

## **SECTION 6-103: DELINQUENT BILLS**

A. In addition to all other remedies which may be available at law or in equity, if a user of the water system or the sewer system shall for any reason remain indebted to the Village for water service or sewer service, such amount due, together with any amounts and charges in arrears, shall be considered a delinquent bill which is hereby declared to be a lien upon the real estate for which the same was used.

B. The village clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever any payment for water service or sewer service is delinquent for 30 days or more and to report the same to the Board. The Board may (1) direct the village clerk to certify the same to the county clerk to be collected as a special tax in the manner provided by law, or (2) initiate foreclosure proceedings in accordance with the provisions of Neb. Rev. Stat. Chapter 77, Article 19. (Ord. No. 1-2002, 1/8/02)

## **SECTION 6-104: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

A. The Village shall have the right to discontinue services and remove its properties if the charges for such services are delinquent on the last working day of the month following billing. Before any termination, the village clerk shall first give notice by first class mail or in person to any domestic 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, weekends and holidays excluded. As to any subscriber who has previously been identified to the Village as a client of the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to Social Services.

B. The notice shall contain the following information:

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

7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of utility services to that household. Such certificate shall be filed with the village clerk within five days of receiving notice under this section and will prevent the disconnection of the utilities for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the Village for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are clients of Social Services may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Village Board.

C. A domestic subscriber may dispute the proposed discontinuance of service by notifying the village clerk with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the Village may discontinue services.

D. The procedures adopted by the Village Board for resolving utility bills, 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.

E. This section shall not apply to any disconnection or interruptions of service made necessary by the utility 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. §7-1605 *et seq.*)



## **Article 2 – Water Department**

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

The Village owns and operates a waterworks plant and water system in and for the Village and hereby adopts the following as the rules and regulations and services and usage of the system which will govern in the operation of the system. For the purpose of defraying the cost of the care, management, and maintenance of the system, the Village may each year levy a tax as prescribed by law 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 such tax shall be known as the Water Fund and shall remain in the custody of the village treasurer. The water commissioner shall have the direct management and control of the system and shall faithfully carry out the duties of his office. He shall prepare recommendations for rules and regulations for the sanitary and efficient management of the system for approval by the Village Board. (Ord. No. 60, 2/4/86)

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

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

"Main" shall mean 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.

"Supply pipe" shall mean 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.

"Service pipe" shall mean 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.

"Separate premises" shall mean 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.  
(Ord. No. 60, 2/4/86)

### **SECTION 6-203: MANDATORY HOOKUP**

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice by the Village Board, to hook up with the system. (Ord. No. 60, 2/4/86)

### **SECTION 6-204: CONSUMER'S APPLICATION**

Every person or persons desiring a supply of water must make application therefor to

the village clerk. A hookup fee for the privilege of connecting into the system shall be paid by the applicant to the clerk, said fee to be set by resolution of the Board. Water may not be supplied to any house or private service pipe except upon the order of the water commissioner. The Village shall not supply water service to any person outside the corporate limits. (Ord. No. 60, 2/4/86)

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

A. The Village through its system shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a main now is or may hereafter be laid. The Village may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Village main is now or may hereafter be laid as and when, according to law, the Board may see fit to do so. The rules, regulations, and water rates shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Village, to which both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Board may hereafter adopt, the water commissioner or his agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises, or place shall again be made save or except by order of said water commissioner or his agent.

B. Contracts for water service 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 move from the premises where service is furnished or if the said premises is destroyed by fire or other casualty, he/she shall at once inform the water commissioner, who shall cause the water service to be shut off at the said premises. The consumer who fails to give such notice shall be charged for all water used on the said premises until the water commissioner is otherwise advised of such circumstances.

(Ord. No. 60, 2/4/86)

#### **SECTION 6-206: PLUMBER; LICENSE REQUIRED**

It shall be unlawful for any plumber to do any work upon any of the pipes or appurtenances of the system or to make any connection with or extension of the supply pipes of any consumer without having a current plumber's license issued by the State of Nebraska. No plumber shall do any work upon the service pipe or any other portion of the plumbing system of any premises either within or without a building in an amount set by resolution of the Village Board without first securing a permit from the Board to do such work. All plumbing shall be done in the manner required by the village plumbing code. The said plumber shall be at all times subject to the inspection and approval of the utilities superintendent and it shall be further unlawful to cover or conceal willfully



any defective or unsatisfactory plumbing work. (Ord. No. 60, 2/4/86)

## **SECTION 6-207: INSTALLATION PROCEDURE**

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. 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 water commissioner shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

B. All installations or repairs of pipes require two inspections by the water commissioner. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the water commissioner at the time the work is ready for each inspection.

C. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed by the water commissioner; provided that the said rules, regulations, and specifications have been reviewed and approved by the Board.

(Ord. No. 60, 2/4/86)

D. 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. (Neb. Rev. Stat. §71-5301, 71-5301.01)

## **SECTION 6-208: INSTALLATION EXPENSE**

The Village shall pay the cost of tapping the main and providing the fixtures and labor up to and including the stop box at the lot line of the customer. The Village shall furnish the meter but it is the responsibility of the consumer to install said meter. No person other than the water commissioner or his duly authorized agent shall tap the water main. The customer shall pay a tap fee in such sum as the Board has set by ordinance or resolution and placed on file in the office of the village clerk; provided, a tap for a three-quarter inch pipe shall be deemed to be the minimum or base tap fee. The customer shall at his/her own expense bring water service from the stop box and upon his/her own premises and shall employ a plumber who shall install water service to the place of dispersement. The extension of mains into unsupplied territory within the corporate limits may be made by means of water extension districts. (Ord. No. 60, 2/4/86)

## **SECTION 6-209: RATES**

A. The Village Board has the power and authority to fix the rates to be paid by the water consumers 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. The village clerk shall bill the consumers and collect all moneys received by the Village on the account of the Water Department. He/she shall faithfully account for and pay to the village treasurer all revenue collected, taking a receipt therefor in duplicate, keeping one and filing the other in the Water Department's official records.

B. All water consumers shall be liable for the minimum rate provided by resolution or ordinance of the Board unless and until they shall, by written order, direct the water commissioner to shut off the water at the stop box, in which case they shall not be liable thereafter for water rental until the water is turned on again.

(Ord. No. 60, 2/4/86)

## **SECTION 6-210: WATER BILLS**

Billing and collection procedures are set forth in Section 6-102. Delinquent accounts shall be handled as provided in Section 6-103.

## **SECTION 6-211: COMPLAINTS**

Any consumer feeling himself aggrieved by reason of any controversy with the water commissioner may appear before the Board and present his/her grievance. Any consumer who objects to being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off shall pay such charge under protest, in which event the village clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the Board for a refund of the amount so paid under protest. Such claims shall then be considered by the Board in the same manner as other claims against the Village. (Ord. No. 60, 2/4/86)

## **SECTION 6-212: REPAIRS AND MAINTENANCE**

A. The Village shall repair or replace, as the case may be, all supply pipe between the main and the stop box. The customer at his own expense shall replace and keep in repair all service pipe from the stop box to the place of disbursement. When leaks occur in service pipes, the water commissioner shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the water commissioner. The 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/her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the water commissioner 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.

B. All meters shall be tested at the customer's request at his/her expense any reasonable number of times; provided, if the test shows the water meter to be running two percent 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 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 reasonable amount as may be fixed by the water commissioner.

(Ord. No. 60, 2/4/86)

### **SECTION 6-213: METER TAMPERING; UNAUTHORIZED RECONNECTION**

A. It shall be unlawful for any person to tamper with any water meter or by any means or device to divert water from the service pipe so that the same shall not pass through said meter or while passing through said meter to cause the same to register inaccurately. (Ord. No. 60, 2/4/86)

B. 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 water passing through it without the knowledge and consent of the Village shall be deemed guilty of an offense.

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to §70-1615 or pursuant to the provisions herein, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

(Neb. Rev. Stat. §86-329 through 86-331)

### **SECTION 6-214: 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 alteration, extension, or attachment without the written permission of the water commissioner. Each tenant or lessee shall be responsible for all water service used in any space rented or leased by him/her. Each separate apartment or other leased premises shall be deemed to be a separate user of the municipal water supply and shall be required to pay any deposit and use fees as established by ordinance or resolution of the Board and placed on file in the office of the village clerk. (Ord. No. 60,

2/4/86)

#### **SECTION 6-215: POLLUTION**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Ord. No. 60, 2/4/86)

#### **SECTION 6-216: INSPECTION**

The water commissioner or his 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. 60, 2/4/86)

#### **SECTION 6-217: 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 water commissioner. (Ord. No. 60, 2/4/86)

#### **SECTION 6-218: FLUORIDE PROHIBITED**

Fluoride shall not be added to the water supply of the Village until decided by election of qualified voters. (Ord. No. 60, 2/4/86)

#### **SECTION 6-219: ~~RESTRICTED USE~~**

(Partially repealed as conflicting by Ord. No. 04-2013-02, 4/2/13. Valid portion transferred to Section 6-235.)

#### **SECTION 6-220: FIRE HYDRANTS**

All hydrants for the purpose of extinguishing fire are hereby declared to be public hydrants and it shall be unlawful for any person other than members of the Water Department or members of the Fire Department under the orders of the fire chief or the assistant chief to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with hydrants. (Ord. No. 10-2001-01, 10/2/01)

#### **SECTION 6-221: BACKFLOW PREVENTION**

A. A cross-connection control officer shall be appointed by the Board of Trustees to oversee the enforcement of this ordinance. Such officer shall be responsible for reviewing the surveys submitted by the customers of the Water Department and determining if a backflow prevention device is required for compliance with Title 179,

*NAC 2, Regulations Governing Public Water Supply Systems.*

B. All customers of the Water Department shall be required to report to the cross-connection control officer any potential cross-connections which may be on their premises. This report shall be made at least every five years.

C. A customer of the Water Department may be required by the cross-connection control officer to install and maintain a properly located backflow prevention device at the customer's expense, appropriate to the potential hazard as set forth in Title 179 NAC 2, *Regulations Governing Public Water Supply Systems* and approved by the cross-connection control officer.

1. The customer shall make application to the cross-connection control officer 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 backflow prevention device to be installed, including make and model number, and the location of the proposed installation.
2. The cross-connection control officer shall approve or disapprove the application based on whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.
3. When a testable backflow prevention device shall be required, the customer shall also certify to the Village at least one time annually that the backflow prevention device has been tested by a Nebraska Health and Human Services system Grade VI certified water operator. Such certification shall be made on a form available at the office of the village clerk.
4. Any decision of the cross-connection control officer may be appealed to the Board of Trustees, whose decision shall be final.

D. Any customer refusing to report on possible cross-connections on his/her premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually shall be in violation of this ordinance and will have his/her water service discontinued. Any customer who has had his/her service discontinued for violation of this ordinance shall be subject to a reconnect fee to have the service reinstated after supplying proof that the potential cross-connection has been eliminated or properly protected. Said fee shall be set by the Village Board and shall be on file in the office of the village clerk for public inspection during office hours.

(Ord. No. 12-2006, 12/5/06)

**SECTION 6-222: RIGHT OF ENTRY**

A. The Village shall be permitted to enter any property other than residences at

any time and residences at reasonable times for the purpose of inspection, observation, installation, setup and use of water metering and monitoring equipment, sampling, testing or inspecting and copying records in accordance with the provisions of this chapter, provided that (1) if such property is occupied, the utilities superintendent or his designee shall first present proper identification to the occupant and request entry, explaining the reasons therefor, and (2) if such property is unoccupied, he shall first make a reasonable effort to locate the owner of such property and request entry, explaining the reasons therefor.

B. If such entry is refused or cannot be obtained because the owner of the property cannot be found after due diligence, the Village shall have recourse to every remedy provided by law to secure lawful entry for the above-stated purposes.

C. Notwithstanding the foregoing, if the Village has reasonable cause to believe that the use of water is dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health and safety, the utilities superintendent or his designee shall have the right to immediately enter and inspect such property and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the utilities superintendent or his designee shall first present identification to the occupant and demand entry, explaining his or her reasons therefor.. No person shall fail or refuse after proper demand has been made upon him/her, as provided in this subsection, to promptly permit the Village to make any inspection provided for by this subsection.

D. If the Village is refused entry or cannot obtain permission for entry onto premises for any of the above-stated purposes, the utilities superintendent may cut off or disconnect the water service from the premises or place of such violation. No further connection for water service to said building, premises or place shall again be made save or except by order of the utilities superintendent or his agent.

**SECTION 6-223: FACILITIES WITHIN DESIGNATED DISTANCES FROM MUNICIPAL WATER SOURCES**

Under no circumstances shall the Village Board approve any person to drill or operate any of the following described facilities within the indicated number of feet from any village municipal water well:

<i>Use or Facility</i>	<i>Distance</i>
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) (Ord. Nos. 10-2001-01, 10/2/01; 11-2019-1, 11/5/19)

### **SECTION 6-224: WATER RESTRICTIONS; DECLARATION; PURPOSE**

The purpose of this ordinance 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 is declared. (Ord. No. 04-2013-02, 4/2/13)

### **SECTION 6-225: WATER RESTRICTIONS; DEFINITIONS**

A. "Water," as the term is used in this ordinance, shall mean water available to the Village of Firth 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.

B. "Customer," as the term is used in this ordinance, 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.

C. "Waste of water," as the term is used in this ordinance, includes but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

D. 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, including agricultural, purpose, except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees 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. 04-2013-02, 4/2/13)

#### **SECTION 6-226: WATER RESTRICTIONS; DECLARATION OF WATCH**

Whenever the Village Board finds that conditions indicate 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 a water watch exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a watch shall be deemed to continue until it is declared by resolution of the Village Board to have ended. The resolutions declaring the existence and end of the water watch shall be effective upon their publication in the official village newspaper. (Ord. No. 04-2013-02, 4/2/13)

#### **SECTION 6-227: WATER RESTRICTIONS; DECLARATION OF WARNING**

Whenever the Village Board finds that drought conditions or some other condition causing 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 by resolution of the Village Board to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official village newspaper. (Ord. No. 04-2013-02, 4/2/13)

#### **SECTION 6-228: WATER RESTRICTIONS; DECLARATION OF EMERGENCY**

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 by resolution of the Village Board to have ended. 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. 04-2013-02, 4/2/13)

#### **SECTION 6-229: WATER RESTRICTIONS; VOLUNTARY CONSERVATION**

Upon the declaration of a water watch or water warning as provided in Sections 6-226 and 6-227, the board 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.

D. Waste of water.

(Ord. No. 04-2013-02, 4/2/13)

### **SECTION 6-230: WATER RESTRICTIONS; MANDATORY CONSERVATION**

Upon the declaration of a water emergency as provided in Section 6-228, the village 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 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. 04-2013-02, 4/2/13)

### **SECTION 6-231: WATER RESTRICTIONS; EMERGENCY WATER RATES**

Upon the declaration of a water supply emergency, the Village Board shall have the power to adopt emergency water rates by ordinance 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. 04-2013-02, 4/2/13)

### **SECTION 6-232: WATER RESTRICTIONS; REGULATIONS**

During the effective period of any water supply emergency, the village chairman is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water

rate ordinance. Such regulations shall be subject to the approval of the Village Board at its next regular or special meeting. (Ord. No. 04-2013-02, 4/2/13)

### **SECTION 6-233: WATER RESTRICTIONS; VIOLATIONS; DISCONNECTIONS; PENALTIES**

A. If the chairman of the Village Board, water superintendent, or other village official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 6-230 (Mandatory Conservation) or 6-232 (Regulations) of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record 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. 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 by the board;
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.

B. A fee shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, higher fees shall be paid for the second reconnection and for any additional reconnections. All such fees shall be as set by resolution by the Village Board and kept on file in the village office.

C. Violations of this ordinance shall be a municipal offense and may be prosecuted in municipal court. Any person so charged and found guilty in municipal court of violating the provision of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine. In addition, such customer may be required by the court to serve a definite term of confinement in the county jail, which shall be fixed by the court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall also be a mandatory fine. In addition, such customer shall serve a definite term of confinement in the county jail, which shall be fixed by the court and which shall not exceed 30 days. Said fines shall be as set by resolution by the Village Board and kept

on file in the village office.  
(Ord. No. 04-2013-02, 4/2/13)

**SECTION 6-234: WATER RESTRICTIONS; EMERGENCY TERMINATION**

Nothing in this ordinance shall limit the ability of any properly authorized village official from terminating the supply of water to any or all customers upon the determination of such village official that emergency termination of water service is required for protection of the health and safety of the public. (Ord. No. 04-2013-02, 4/2/13)

**SECTION 6-235: WATER RESTRICTIONS; DAMAGE; VILLAGE LIABILITY**

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. (Ord. No. 10-2001-01, 10/2/01)



## **Article 3 – Sewer Department**

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

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. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Village Board. (Neb. Rev. Stat. §17-925.01)

### **SECTION 6-302: SEWER, GENERALLY; TERMS DEFINED**

The words and phrases used in this ordinance shall, unless the context otherwise indicates, have the following meanings:

"House sewer" is that part of the horizontal pipes of a house or commercial building drainage system extending from the house or commercial building drain to its connection with the main sewer or lateral sewer of the public sewer system and conveying the drainage of but one building site.

"Plumbing system" or "plumbing work" of a building includes the water supply distributing pipes, the fixtures and fixture traps, the soil, waste and vent pipes, the appurtenances, and connections all within or adjacent to the building, including connection with the public sewer.

"Public sewer" is the conduits within the Village or within the vicinity of its borders constructed or caused to be constructed by the Village for carrying off liquids, waste, and refuse.

(4/24/61)

### **SECTION 6-303: UNLAWFUL WASTE DISPOSAL**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on 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. It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. (Ord. No. 54, 5/8/84)

## **SECTION 6-304: UNLAWFUL FACILITIES; MANDATORY HOOKUP**

A. Except as hereinafter provided, it shall be unlawful to construct or maintain within the Village or in any area under its jurisdiction any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

B. 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 or combined sewer is hereby required at his/her 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 ordinance, within 60 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

(Ord. No. 54, 5/8/84)

## **SECTION 6-305: CONNECTION TO PUBLIC SEWER; PERMIT, FEE**

No connection of any kind shall be made to the village public sewer system by any owner, person, firm, or corporation without first obtaining a written permit from the village clerk by the owner of the property where such connection is to be made. Such owner shall be required to pay to the Village a sum for each connection to the public sewer system, which sum shall be in addition to any benefits assessed against the property for the construction of said public sewer system. Said amount shall be set by ordinance and shall be on file in the office of the village clerk for public inspection during office hours. (4/24/61)

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

A. 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 rules, regulations, and sewer rental rates named 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 every customer now or hereafter served. 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 the 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 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 save or except by order of the superintendent or his agent. (Neb. Rev. Stat. §17-901, 17-902)

B. Contracts for sewer service 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 customer shall move from 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 utilities superintendent. If the customer should fail to give notice, he/she shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances. (Neb. Rev. Stat. §18-503)

#### **SECTION 6-307: INDEMNITY**

Any person, persons, firm, or corporation applying for a permit to connect house sewer or plumbing system to the public sewer system shall agree that all the plumbing work for the applicant will be done in a proper manner and in compliance with state statutes and village ordinances; that all damages, fines, and forfeitures which may be adjudged against said applicant will be paid and that the applicant will indemnify and save harmless the Village of Firth from any damage, damages, injury, or injuries due or on account of any act, neglect, or default on the part of the applicant, his agent, employee, or employees. (4/24/61)

#### **SECTION 6-308: INSTALLATION EXPENSE**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. (Ord. No. 54, 5/8/84)

#### **SECTION 6-309: USE OF EXISTING SEWERS**

Old house sewers or portions thereof may be approved for use by the utilities superintendent, who may request that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a house sewer that is also connected to the public sewer. (4/24/61)

#### **SECTION 6-310: PLUMBER; LICENSE REQUIRED; LIABILITY**

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 of Nebraska. Said plumber shall also comply with the rules and regulations of the utilities superintendent. 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. The licensed plumber who connects with the public sewer system shall be held responsible for any damage to the sewers or the public ways and property.

#### **SECTION 6-311: INSTALLATION PROCEDURE**

A. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code

or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply.

B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

C. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

D. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

E. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the superintendent.

(Ord. No. 54, 5/8/84)

#### **SECTION 6-312: TRENCHING AND BACKFILLING**

All excavations shall be open trench work unless otherwise authorized by the utilities superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Backfilling shall not be done until final inspection is made by the utilities superintendent. Each and every part of the house sewer shall be inspected and approved by the utilities superintendent before being concealed or backfilled. (4/24/61)

#### **SECTION 6-313: SEPARATE PREMISES; EXCEPTION**

A separate and independent building sewer shall be provided for every 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 building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. No. 54, 5/8/84)



## **SECTION 6-314: UNLAWFUL CONNECTIONS**

No person, persons, firm, or corporation shall connect any roof leader or leaders, surface drains, or ground water drains to the public sewer system. (4/24/61)

## **SECTION 6-315: INSPECTION OF CONNECTIONS**

All connections, piping, traps, and fixtures of a house sewer and plumbing system shall be inspected by the utilities superintendent to insure compliance with all requirements of this ordinance. (4/24/61)

## **SECTION 6-316: RATES**

The Village Board has the power and authority to fix the rates to be paid by the sewer customers for the use of the sewer system. All such fees shall be on file for public inspection at the office of the village clerk. The village clerk shall bill the consumers and collect all moneys received by the Village on the account of the Sewer Department. He/she shall faithfully account for and pay to the village treasurer all revenue collected, taking a receipt therefor in duplicate, keeping one and filing the other in the Sewer Department's official records. All sewer customers shall be liable for the minimum rate provided by resolution or ordinance of the Board

## **SECTION 6-317: SEWER BILLS**

Billing and collection procedures are set forth in Section 6-102. Delinquent accounts shall be handled as provided in Section 6-103.

## **SECTION 6-318: REPAIRS AND REPLACEMENT**

A. The Sewer Department may require the owner of any property which is within the Village and 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.

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line or driveway approach. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utilities superintendent may cause such work to be done and assess the cost upon the property served by such connection or approach.

(Neb. Rev. Stat. §18-1748)

## **SECTION 6-319: MANHOLES**

Entrance into a manhole or opening for any purpose except by authorized persons is hereby 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 6-320: TAMPERING WITH SEWAGE WORKS**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief.

(Ord. No. 54, 5/8/84)

### **SECTION 6-321: PRIVATE SEWAGE DISPOSAL; APPLICATION; PERMIT, FEE**

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

B. Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid to the Village at the time the application is filed. Such fee shall be set by ordinance and shall be on file in the office of the village clerk for public inspection during office hours.

C. A permit for a private sewage disposal shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Environmental Quality. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

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

F. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department of Environmental

Quality.

G. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.  
(Ord. No. 54, 5/8/84)

## **SECTION 6-322: HAZARDOUS DISCHARGES; DEFINITIONS**

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

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

"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 (1.5 meters) 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.

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

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary 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.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

"Public sewer" shall mean a sewer in which all owners of abutting properties have

equal rights and is controlled by public authority.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters 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 stormwaters as may be present.

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

"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.

"Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Superintendent" shall mean the utilities superintendent of the Village or his authorized deputy, agent, or representative.

"Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

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

(Ord. No. 54, 5/8/84)

## **SECTION 6-323: HAZARDOUS DISCHARGES; REGULATIONS**

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwaters and all other unpolluted drainage shall be discharged to such

sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the superintendent to a storm sewer, combined sewer, or natural outlet.

C. No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes (a) having a 5-day BOD greater than 300 parts per million by weight, (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the Village shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide at his/her expense such preliminary treatment as may be necessary to (i) reduce the biochemical oxygen demand to 300 parts per million by weight, (ii) reduce the suspended solids to 350 parts per million by weight, or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

D. No person shall discharge or cause to be discharged the following-described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150°F (65° C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150°F (0° and 65° C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
4. Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the State for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the State as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the State in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH in excess of 11.
9. Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (D) above and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may (1) reject the wastes, (2) require pretreatment to an acceptable condition for discharge to the public sewers, (3) require control over the quantities and rates of discharge, and/or (4) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (J) of this section. If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the State Department of Environmental Quality and subject to the requirements of all applicable codes, ordinances and laws.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

H. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole

together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

J. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industry whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the said industry.  
(Ord. No. 54, 5/8/84)

#### **SECTION 6-324: HAZARDOUS DISCHARGES; INSPECTIONS; EASEMENTS**

A. The utilities superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in subsection (A) above, the superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, which shall be held harmless for injury or death to the Village employees; the Village shall indemnify the company against loss or damage to its property by employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe



conditions as required herein.

C. The superintendent and other duly authorized employees bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 54, 5/8/84)

### **SECTION 6-325: VIOLATIONS**

Any person found to be in violation of any provisions of the provisions of the hazardous discharges regulations (Sections 6-323 and 6-324) shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person violating any of said regulations shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation. (Ord. No. 54, 5/8/84)



## **Article 4 – Penal Provision**

### **SECTION 6-401: VIOLATION; PENALTY**

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