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CHAPTER VI – PUBLIC UTILITIES

ARTICLE 0 – UTILITIES, GENERALLY

SECTION 6-001: UTILITY SERVICES; DEPOSIT

Any applicant for water and sewer service shall pay a deposit for each said utility. Such deposits may be returned upon the conditions stated in Section 6-104, Water Deposit, and Section 6-304, Sewer Deposit.

SECTION 6-002: COMBINED UTILITY BILLS; DELINQUENCY; DISCONNECTION; RECONNECT FEE

All utility bills including water, sewer and garbage pickup charges shall be sent to the customer on or near the first day of each month. Bills shall be payable by the 15th day of each month. Bills not paid by the 20th day of the month shall be deemed delinquent. Upon being deemed delinquent, written notice to the consumer shall be sent. In the event the bill is not paid within ten days after the sending of said notice, it shall be discretionary with the water commissioner to cut off service at any time. Utility service will not be resumed until a reconnection fee is paid during regular business hours from 8:00 a.m. to 4:00 p.m. in addition to all past due utility charges. In the event that the utilities are reconnected after the regular hours of 8:00 a.m. to 4:00 p.m. and upon availability of the maintenance superintendent, a reconnection fee shall be collected in addition to all past due utility charges. All of said fees shall be as set by the Village Board by resolution and kept on file in the village office. (Am. Ord. Nos. 2010-O-6, 9-14-10; 2017-O-5, 9-12-17)

ARTICLE I – WATER DEPARTMENT

SECTION 6-101: OPERATIONS AND FUNDING

1. The chairman and Board of Trustees hereby find and determine that the Village of Pleasanton owns and operates a waterworks plant and water system in and for the Village, and said village hereby adopts the following as the rules and regulations for services and usage of the village waterworks plant and water system, which will govern the operation of the system.

2. For the purpose of defraying costs of the care, management and maintenance of the village waterworks plant and water system, the Village 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.

Revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the village treasurer.

3. The water commissioner shall have the direct management and control of the village water system and shall faithfully carry out the duties of his/her office. The water commissioner shall have the authority to prepare rules and regulations for the sanitary and efficient management of the water system subject to the approval, supervision and review of the Board of Trustees. The Board shall set the rate to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection.

SECTION 6-102: TERMS DEFINED

The following definitions shall be applied throughout this article. 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 disbursing 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 6-103: CONSUMER'S APPLICATION; HOOKUP FEE

Every person or persons desiring a supply of water must make application therefor to the village clerk upon the forms to be furnished for that purpose. A hookup fee in an amount to be set from time to time by resolution of the Village Board for the privilege of hooking on to the water system shall be paid by the applicant to the clerk. Water may not be supplied to any house or private service pipe except upon the order of the water commissioner. The department shall not supply water service to any person outside the corporate limits without special permission from the Board; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to provide water service to non-residents.

SECTION 6-104: WATER DEPOSIT

There is hereby established a water deposit in the amount of \$75.00, which shall be paid before any applicant shall be furnished with water services provided by the Village. Such deposit shall be placed in a special deposit account and shall be refunded to the customer as follows: (A) be returned to applicant, upon written request, at the end of 30 months if such applicant's water bills have been paid promptly with no more than two delinquent payments during the 30 month period immediately preceding the request (for the purpose of this section, a payment shall be deemed delinquent if made more than 15 days after

the date set forth on the monthly billing statement); or (B), when the water service has been disconnected, whether at the request of the customer or for non-payment of the customer's water bill, or a new account has been created for said service with a different customer, and a final reading has been taken, any deposit on hand plus accrued interest thereon and minus the amount of any unpaid billings statement and other charges shall be refunded to the customer.

SECTION 6-105: WATER CONTRACT

1. The Village, through its water system, 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. The Village may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a village commercial main is now or may hereafter be laid, and may also furnish water to persons whose premises are situated outside the corporate limits of the Village, as and when, according to law, the Board of Trustees may approve. The rules, regulations and water rates hereinafter named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served.

2. Without further formality, the making of application on the part of any applicant or the use or consumption of water by any present consumer thereof and the furnishing of water service 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 Board of Trustees may hereafter adopt, the water commissioner or his/her 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/her agent.

SECTION 6-106: FEES AND COLLECTIONS

The Village Board has the power and authority to fix the rates to be paid by 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, who shall bill the consumers and collect all money 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 by him/her, making receipt therefor in duplicate, keeping one and filing the other in the Water Department's official records.

SECTION 6-107: RATES

1. The Village Board shall, from time to time, fix such rates for water charges as they deem appropriate. Such rates shall be established by ordinance and shall be available for public inspection at all times during normal business hours. In its discretion, the Village Board may provide water service to owners beyond the corporate limits of the Village. (Am. 8-8-00, Ord. No. 2000-O-1)

2. All water rates shall be applicable to each individual unit contained within a multiple dwelling. A "multiple unit dwelling" is defined as any structure housing two or separate businesses, or two or more separate individuals or families in the case of residential housing. Each separate unit shall be assessed a water charge each month said

unit is occupied. It shall be the responsibility of the landlord to notify the Village when any individual unit has been vacated. A failure to do so shall render the landlord liable for any payment for any water charges due and payable for the time the unit is unoccupied. It shall be unlawful for any landlord and/or tenant to falsely report the vacancy of any unit.

SECTION 6-108: WATER BILLS

1. Water fees shall be due and payable at the office of the village clerk. The village clerk shall mail bills by the 1st of each month. It shall be the duty of the consumers to pay such bills at the office of the village clerk or mail payment to her/his office. Bills shall be due on the first day of each month and shall be payable by the 15th day of each month. Bills paid after the 15th day of each month shall have a penalty charge added thereto in an amount set by resolution of the Board of Trustees and on file at the office of the village clerk. Bills not paid by the 20th day of the month shall be deemed delinquent.

2. Upon being deemed delinquent as herein defined, the village clerk shall give written notice to the consumer of such delinquency and shall demand payment immediately. In the event the bill is not paid within ten days after the sending of said notice, it shall be discretionary with the water commissioner to cut off service at any time. A re-connect fee as set forth in Section 6-001 shall be paid prior to reconnecting service to any customer's property.

SECTION 6-109: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

1. The Village shall not discontinue utility service to any domestic subscriber for nonpayment of any past due account unless the Village first gives written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified as a client by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Health and Human Services.

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

3. This section shall not apply to any disconnections or interruptions of services 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.

SECTION 6-110: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall

notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the water commissioner during the first month of each year to report to the Board of Trustees all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined by the Board of Trustees and, if approved, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. The Village may also collect such delinquent bill by bringing an action in the small claims division of the County Court for collection of the amount due.

SECTION 6-111: STREET EXCAVATION AND INSTALLATION PROCEDURE

1. 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 occasioning the least inconvenience to the public and providing 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.

2. All installations or repairs of pipes require two inspections by the water commissioner: (A) when connections or repairs are completed and before the pipes are covered and (B) after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the water commissioner at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the terms established by the water commissioner, provided that the rules, regulations, and specifications have been reviewed and approved by the Village Board.

(Am. by Ord. No. 2020-O-2, 3/10/20)

SECTION 6-112: INSTALLATION EXPENSE

1. The expense of providing the water service main shall be paid by the Village. The consumer shall then pay the cost of installation and pipe from the main to the place of dispersal. The cost of installation of a village-approved meter shall be paid by the consumer. The consumer shall be required to pay the expense of procuring the services of a plumber holding a village permit and shall pay the expense of furnishing and installing the pipe, trenching and the necessary labor to bring water service from the lot line to the place of dispersement.

2. The Village shall install a tap on the water service main and shall pay the expense of trenching necessary to install such tap. In addition to the cost of the meter, the consumer shall pay to the Village a tap fee plus the cost of boring for all lines up to 2 inches. If the line is 2 inches or over, the consumer shall pay to the Village a greater tap fee plus the cost of boring. The consumer also shall pay additional costs of demolition and repair of streets/driveways necessary to provide a tap. The said tap fees shall be as set by the Village Board by resolution and kept on file in the office of the village clerk.

(Am. by Ord. Nos. 2015-O-9, 12-8-15; 2020-O-2, 3/10/20)

SECTION 6-113: REPAIRS AND MAINTENANCE

1. The Village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The consumer, at his/her 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 leaks are repaired at the expense of the consumer to the satisfaction of the water commissioner.

2. All water meters shall be kept in repair by the Village at the expense of the Village. When meters are worn out, they shall be replaced and reset by the Village at the expense of the Village; provided that 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.

3. All meters shall be tested at the customer's request at his/her expense any reasonable number of times; provided that if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the Village. The Village reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair, the Village shall have the right to place a new meter on the consumer's water service fixtures at village expense. Should a consumer's meter fail to register properly, the consumer 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 that if no such basis for comparison exists, the consumer shall be charged such amount as may be reasonable, fixed by the water commissioner.

4. 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.

SECTION 6-114: NEW MAIN INSTALLATION

The Village shall not be required to extend water service at its own expense to any lot which does not abut on a street at a place where a commercial water main is in existence at the time the service shall be applied for. The costs of the extension of any water mains for service to a specific consumer shall be borne by the water applicant. Where water mains are extended, the Village may furnish all labor and equipment necessary for the installation of water mains and services and shall charge the applicant the actual costs thereof. The Village shall be the owner of any water mains and shall maintain and replace the same at no cost to the applicant or user. Water mains are described as any two-inch pipe or larger. Fire hydrants and valves pertaining to hydrants will be paid for out of the Water Fund. All new additions to the water main system shall be of four-inch cast iron or approved polyvinyl chloride (PVC) or larger pipe and shall form connecting loops where possible to eliminate dead ends. The manner in which connecting loops are accomplished shall be left to the discretion of the water commissioner. In cases where the main construction requires a connecting feeder main, the assessments to all the properties benefited shall include the cost of the feeder main.

SECTION 6-115: USE OF LEAD PIPES AND SOLDER PROHIBITED

The use of lead pipes and lead-based solder on any water mains or service pipes or connections thereto are strictly forbidden. All service lines shall be of copper or approved plastic. All service lines leading from the shutoff valve at the edge of the owner's property to the water meter shall be constructed of brass. All house service lines shall be of copper or approved plastic pipe, and connections thereon shall be made with lead-free solder or other approved pipe connection substances.

SECTION 6-116: 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. Each separate apartment or other leased premises shall be deemed to be a separate user of the village water supply, and shall be required to pay any deposit and use fees as established by resolution of the Board of Trustees and placed on file in the office of the village clerk.

SECTION 6-117: RESTRICTED USE

The Village Board or the commissioner may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting off the supply of water 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.

SECTION 6-118: FIRE HYDRANTS

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

SECTION 6-119: 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 Village Water Department.

SECTION 6-120: MANDATORY HOOKUP

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice of the Board, to hook up with the village water system.

SECTION 6-121: WATER SERVICE CONTRACTS

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 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/she shall at once inform the commissioner, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the commissioner is otherwise advised of such circumstances.

SECTION 6-122: INSPECTION

The commissioner or his/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.

SECTION 6-123: 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 village 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 commissioner. In the event anyone damages a stop box belonging to the village Water Department, the person responsible for such damage shall pay the full cost of replacement of the same and any and all related expenses involved in such replacement.

SECTION 6-124: LICENSED PLUMBER

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 of \$50.00 or more without first securing a permit from the Village pursuant to Section 6-202. All plumbing shall be done in the manner required by the village plumbing code or according to acceptable plumbing practices of the area. The plumber's work shall be at all times subject to the inspection and approval of the village building inspector, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the village waterworks, or to make any connection with or extension of the supply pipes of any consumer taking water from said system.

SECTION 6-125: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the water commissioner may appear before the Board of Trustees and present his/her grievance. Any consumer who considers himself/herself aggrieved by 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 utility collector shall write on the receipt given such consumer the words "Paid Under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the Board of Trustees for a refund of the amount so paid under protest. Such claims shall then be considered by the Board of Trustees in the same manner as other claims against the Village.

SECTION 6-126: COMMERCIAL LIVESTOCK WATERING OPERATIONS

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

SECTION 6-127: WELLS; SPACING, PERMIT REQUIRED

1. It shall be unlawful for any person to drill or locate a domestic, irrigation or industrial water well for the supply of potable or non-potable water within 1,000 feet of any registered well of the Village.

2. It shall be unlawful for any person to drill or locate a domestic, irrigation or industrial water well for the supply of potable or non-potable water within the corporate limits of the Village without first obtaining a permit therefor from the Village Board of Trustees and the State of Nebraska Department of Health.

SECTION 6-128: MAINTENANCE AND OPERATION OF WELLS WITHIN 1,000 FEET OF ANY REGISTERED WELL, OR WITHOUT A PERMIT; PENALTY

Anyone drilling a domestic, irrigation or industrial water well within 1,000 feet of any registered well of the Village or without a permit therefor, from and after the passage of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law for violation of a municipal ordinance. Each day's maintenance or operation of such well shall constitute a separate offense and may be prosecuted as such by the Village.

SECTION 6-129: BACKFLOW REGULATIONS; BACKFLOW PREVENTION DEVICE

The water commissioner shall be and hereby is responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the water commissioner, an approved backflow device is required at the Village's water service connection to any customer's premises, the commissioner or his/her delegated agent shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his/her premises. The customer shall, within 90 days, install such approved device or devices at his/her own expense. Failure by reason of refusal or inability on the part of the customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

SECTION 6-130: BACKFLOW REGULATIONS; CONTROL PROGRAM

1. The Village will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the Cross-Connection Regulations of the Nebraska Department of Health.

2. If the Village requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. Any water customer may utilize public health officials or personnel from the Village or their delegated representatives to assist him/her in the survey of his/her facilities and to assist him/her in the selection of proper fixtures outlet devices and the proper installation of these devices.

SECTION 6-131: BACKFLOW REGULATIONS; RESPONSIBILITIES OF VILLAGE
AND OWNER

The Village shall be responsible for the following:

1. On new installations, the Village will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will perform inspection and testing. In any case, a minimum of a double check valve will be required in any new construction.

2. For premises existing prior to the start of this program the Village, upon request of the customer, will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made.

3. If the Village determines at any time that a serious threat to the public health exists by virtue of the customer's failure to install proper backflow protection devices, the water service to such customer's property shall be terminated immediately.

4. The Village shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

5. The owner shall be responsible for the following:

A. The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.

B. The owner, after having been informed by a letter from the Village, shall at his/her expense, install, maintain and test, or have tested, any and all backflow preventers on his/her premises.

C. The owner shall correct any malfunction of a backflow preventer which is revealed by periodic testing.

D. The owner shall inform the Village of any proposed or modified cross-connection and of any existing cross-connection of which the owner is aware but which has not been found by the Village.

E. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

F. The owner shall install backflow preventers in a manner approved by the Village.

G. The owner shall install only backflow preventers approved by the Village.

H. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the Village's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

- I. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re- testing in the case that the device fails to operate correctly, and second re-inspection for non-compliance with village standards.

SECTION 6-132: BACKFLOW REGULATIONS; REPLACEMENT OF BACKFLOW DEVICE

Any existing backflow preventer which is capable of being tested for operability shall be allowed by the Village to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device was present.

SECTION 6-133: BACKFLOW REGULATIONS; RECORDS

The Village will initiate and maintain the following records:

1. Master files on customer cross-connection tests and/or inspections.
2. Master files on cross-connections permits.
3. Copies of permits and permit applications
4. Copies of lists and summaries supplied to the Nebraska Department of Health.

The Village will submit all backflow reports required by the Nebraska Department of Health.

SECTION 6-134: BACKFLOW REGULATIONS; FEE PUBLICATION

The Village will adopt and publish a list of fees or charges for backflow devices: testing fees; re-testing fees; and fee for re-inspection.

ARTICLE II – PLUMBERS

SECTION 6-201: LICENSED PLUMBER DEFINED

The term "licensed plumber" as used in the ordinances of this village is hereby defined to denote any person to whom a plumber's license has been duly issued or renewed, as hereinafter provided, which has not been revoked or terminated by lapse of time.

SECTION 6-202: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a license as a plumber shall file in the office of the village clerk a written application asking to become a licensed plumber and stating his/her willingness to be governed in all respects by the ordinances of said village and all rules and regulations now in effect or hereafter to be adopted by said village concerning its water

system. Such application shall be presented by the village clerk to the Board at its next meeting thereafter held. Said Board may grant to such applicant a license to be issued by the village clerk, authorizing the applicant to engage in business as a licensed plumber in said village for and during the then current municipal year upon the following conditions:

1. Satisfaction of the Board of the business capacity, qualifications, and good reputation of the applicant and of his/her worthiness to receive a license;
2. Payment to the village clerk of a license fee of \$5.00;
3. Filing with the village clerk of a bond with corporate surety to be approved by the Board in the penal sum of \$2,000.00, conditioned upon the following: (A) indemnifying and keeping harmless the Village from all liability for any damage arising from any negligence or unskilled act in doing or protecting his/her work, or from any unfaithful or inadequate work done in pursuance of his/her license; (B) restoring the streets, alleys, sidewalks, and pavements over the pipes he/she may lay and filling all excavations made by him/her so as to leave said streets, alleys, sidewalks, and pavements in as good condition as he/she found them, and keeping and maintaining the same in good order to the satisfaction of the chairman of the Board for the period of one year next thereafter; (C) paying all fines that may be imposed upon him/her for a violation of any of the ordinances, rules, and regulations adopted by this village and in force during the term of his/her license.

Said license and bond shall cover all employees of the applicant.

SECTION 6-203: RENEWAL OF LICENSE

Any license granted as provided in the preceding section may be renewed from year to year at the option of the Village Board, on application therefor, upon payment of the license fee of \$5.00 for the year and the renewal of applicant's bond.

SECTION 6-204: REVOCATION OF LICENSE

The term of each license or renewal may be revoked at any time, at the option of the Board.

SECTION 6-205: FEES TO BE PAID TO VILLAGE TREASURER

The village clerk shall pay over to the village treasurer all license fees collected pursuant to this article.

ARTICLE III – SEWER DEPARTMENT

SECTION 6-301: TERMS DEFINED

"Biological oxygen demand" shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million by weight.

"Building drain" and "house drain" shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil waste, or other drainage pipes inside the walls of any building or house.

"Building sewer" and "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.

"Garbage" shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

"Local ventilating pipe" shall mean and include any pipe through which foul air is removed from a room or fixture.

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

"Plumbing fixtures" shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

"Properly shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one-half inch in diameter.

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

"Sewage" shall mean and include 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.

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

"Soil pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

"Storm sewer" shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

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

"Trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

"Trap seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

"Vent pipe" shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

"Waste pipe" shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe or waste stack.

SECTION 6-302: OWNERSHIP; MANAGEMENT

The Village owns the sewer system and operates the same through the Sewer Department commissioner, who shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his/her office. The commissioner 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.

SECTION 6-303: APPLICATION FOR PERMIT

Any person wishing to connect with the sewer system shall make an application therefor to the village clerk upon the forms to be furnished for that purpose. Such application shall be accompanied by a hookup fee which will not be refundable unless the hookup is not completed. Such hookup fee shall be established by resolution of the Village Board. Sewer service may not be supplied to any house or building except upon the written order of the village clerk. The department shall not supply sewer service to any person outside the corporate limits without special permission from the Village Board; provided, in that event, the entire cost of pipe and other installation charges shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to provide sewer service to non-residents.

SECTION 6-304: SEWER DEPOSIT

There is hereby established a sewer deposit in the amount of \$75.00, which shall be paid before any applicant shall be furnished with sewer services provided by the Village. Such deposit shall be placed in a special deposit account and shall be refunded to the customer as follows: (A) be returned to applicant, upon written request, at the end of 30 months if such applicant's sewer bills have been paid promptly with no more than two delinquent payments during the 30 month period immediately preceding the request (for the purpose of this section, a payment shall be deemed delinquent if made more than 15 days after the date set forth on the monthly billing statement); or (B), when the sewer service has been disconnected, whether at the request of the customer or for non-payment of the customer's sewer bill, or a new account has been created for said service with a different customer, any deposit on hand plus accrued interest thereon and minus the amount of any unpaid billings statement and other charges shall be refunded to the customer.

SECTION 6-305: CLASSIFICATION

The Board may classify the customers of the Sewer Department for the purpose of rental fees; provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

SECTION 6-306: FEES AND COLLECTIONS

1. The rate for individual users shall be established from time to time by the Village Board by ordinance. Such rates shall be available for public inspection at the village clerk's office during regular business hours. This sewage rate shall be applicable to each individual unit contained within a multiple unit dwelling. A "multiple unit dwelling" is defined as any structure housing two or more separate businesses or two or more separate individuals or families in the case of residential housing. It shall be the responsibility of the landlord to notify the Village when any individual unit has been vacated, and a failure to do so shall render the landlord liable for any payment for any sewage charges due and

payable for the time the unit is unoccupied. It shall be unlawful for any landlord and/or tenant to falsely report the vacancy of any unit.

2. All consumers shall pay in net cash at the office of the village clerk for the Sewer Department the amount due the village for sewer service. If the consumer shall neglect or refuse to pay his/her sewer bill when demanded, the village clerk shall add and consumer shall pay a 10% penalty for delinquency. The village clerk or sewer commissioner may, whenever they or either of them deem is advisable or necessary, declare any sewer bill due at anytime and proceed to collect the same; and in their discretion they or either of them may require charges for sewer service to be paid in advance. No sewer service shall be furnished to any consumer under any other rates than are provided in this section.

3. If a customer shall for any reason order the service discontinued or shall remove himself/herself from the premises, the amount due under the terms of this article, together with any rental fees and charges in arrears, shall be considered as a delinquent sewer rental which is hereby declared to be a lien upon the premises or real estate from which the sewer was used. Upon the refusal of the customer to pay the said delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection or by bringing an action in the County Court's small claims division for collection of such delinquent fees.

4. The rates and service fees will be set from time to time by ordinance of the Village Board and such rates shall be available for public inspection at the office of the village clerk during normal business hours.

(Am. 8-8-00, Ord. No. 2000-O-1)

SECTION 6-307: DELINQUENT PAYMENTS

The charges prescribed by this article shall become due and payable by or before the 10th day of each month. After the 15th day, the bills shall be considered to be delinquent. In the event that the billing remains unpaid on the 20th day of the month following the month of billing, the sewer service shall be discontinued by the Village, pursuant to Section 6-001, until the delinquent payments, including any delinquent charges, are received by the village clerk.

SECTION 6-308: SERVICE CONTRACTS; NOT TRANSFERABLE

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 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/she shall at once inform the commissioner, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the commissioner is otherwise advised of such circumstances.

SECTION 6-309: PRIVATE SEWERS; MANDATORY HOOKUP; PENALTIES

The operation and maintenance of a private sewer system or septic tank is strictly prohibited in areas of the Village serviced by the village sewer system. However, those residents utilizing a private sewer system in an area of the village served by the village sewer system may continue to do so until such time that such private sewer or septic tank sys-

tem shall fail. Upon such failure the private sewer or septic tank system shall be abandoned and the affected property owner shall be required to hook up to the village sewer system. Any person who repairs or replaces a private sewer or septic tank system contrary to the terms of this ordinance shall be guilty of a misdemeanor and shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance. Each day's maintenance of a sewer or septic tank system contrary to the terms of this ordinance shall constitute a separate offense.

SECTION 6-310: DIRECT CONNECTIONS

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make such connections through one pipe, provided that if the other building is directly behind a dwelling already served with sewer service and the owner of such premises receives permission in writing from the Board, the second building may be hooked up with the same sewer line as the first dwelling.

SECTION 6-311: INSTALLATION PROCEDURE

In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. 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 the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the commissioner; provided that the said rules, regulations and specifications have been reviewed and approved by the Board.

SECTION 6-312: INSTALLATION EXPENSE

The cost of providing sewer service to any building shall be paid by the customer. It shall be the responsibility of the customer to pay the cost of installation and materials from the main to the building. Pipe and other appurtenances shall be of such quality and type as may be approved by the water commissioner.

SECTION 6-313: LICENSED PLUMBER

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 Village pursuant to Section 6-202 and complying with the rules and regulations of the commissioner; provided that nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

SECTION 6-314: PLUMBER'S LIABILITY

The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore to the complete satisfaction of the commissioner all streets that he/she has excavated and make good any settlement of the ground or pavement caused by excavation.

SECTION 6-315: ADOPTION OF PLUMBING CODE

To provide certain minimum standards, provisions and requirements for safe and stable installation of plumbing and heating, the rules and regulations regarding plumbing and heating installation, connection, uses and material shall be as found in the National Standard Plumbing Code, published by the National Association of Plumbing-Heating-Cooling Contractors, in addition to all amended editions, and shall be as though printed in full herein. Three copies of the Plumbing Code are on file at the office of the village clerk and are available for public inspection during normal business hours.

SECTION 6-316: REPAIRS AND MAINTENANCE

All repairs or replacements to service sewer pipes between the main sewer in the street and the premises of the owner, occupant or lessee shall be made by him/her at his/her own expense. Repairs to the main sewer pipe shall be made by the Village at its expense, except in the service to non-residents.

SECTION 6-317: VILLAGE LIABILITY

The Village shall not be liable for any damage that may arise out of the operation of the village sewer system, whether such damage arises out of unforeseeable circumstances or due to the negligence or neglect of any of the employees of the Village. All customers of the village sewer system hereby agree that in using the facilities of the sewer system, they agree to assume the risk of the said damage.

SECTION 6-318: UNLAWFUL USE

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage or unpolluted industrial process waters into the sanitary sewer. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the village sewer system:

1. Liquids or vapors having a temperature higher than 150° F.;
2. Water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease;
3. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive solid or gas;
4. Garbage that has not been properly shredded;

5. Sand, mud, metal, rags, paper or other solid or viscous substance capable of causing obstruction to the flow in the sewer system;

6. Toxic or poisonous substances in sufficient quantity to interfere with the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant;

7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials;

8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the village Sewer Department;

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

SECTION 6-319: SPECIAL EQUIPMENT

In the event that a customer of the Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand, the commissioner may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he/she shall prescribe subject to the review of the Board. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Board and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment subject to additional rental fees or other charges.

SECTION 6-320: MANHOLES

Entrance into a manhole or opening the same for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any opening connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 6-321: INSPECTIONS

The commissioner or his/her authorized agents shall have free access between the hours of 8:00 A.M. and 6:00 P.M. to all parts of each premises and building which is connected with the sewer system to ascertain whether there is any disrepair or violation of this article therein.

ARTICLE IV – NATURAL GAS RATE REGULATION

SECTION 6-401: ADOPTION OF NATURAL GAS REGULATION ACT

The provisions of Article 46, Chapter 19 of the Municipal Natural Gas Regulation Act as set forth in R.R.S. Neb. 1943, 1987 Supplement thereto and any amendments made thereto, except as otherwise provided for in this ordinance, are hereby adopted by this

reference thereto and made a part hereof as fully as if set forth at length herein, except as otherwise hereinafter provided.

SECTION 6-402: GAS RATE COLLECTION FEE

A fee of \$75.00 be and hereby is imposed for each rate filing by the village gas supplier.

ARTICLE V – SOLID WASTE MANAGEMENT

SECTION 6-501: DEFINITIONS

"Construction and demolition waste" shall mean waste which typically results from construction or demolition projects and includes all materials which are the byproducts of construction work or which result from demolition of buildings and other structures, including, but not limited to, brick, concrete rubble, masonry materials, paper, gypsum board, wood, rubber and plastics. Construction and demolition waste does not include friable asbestos-containing materials, liquid waste, hazardous waste, putrescible waste or furnishings from demolished structures.

"Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

"Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128 - *Rules and Regulations Governing Hazardous Waste Management in Nebraska*, which for purposes of general definition is a solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

1. Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Junk" shall mean materials which will not be utilized if not collected and processed for reuse or recycling, including but not limited to mean: old scrap; copper; brass; iron; steel; rope; wire; glass; rags; batteries; paper trash; rubber; debris; demolition waste; abandoned mobile homes, dismantled or wrecked; untaxed, untitled or unlicensed vehicles or parts thereof; and other old or scrap ferrous or nonferrous material.

"Municipal solid waste" shall mean household waste and/or the combination of household waste with industrial or commercial solid wastes.

"Municipal Solid Waste Jurisdiction Area" shall mean all the incorporated areas of the Village and all areas adjacent to the Village served by municipal utility services.

"Residential customer" shall mean single family households.

"Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes,

and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.

"Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

"Solid waste" shall mean any garbage, refuse or sludge from a waste treatment plan, water supply treatment plan, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities.

"Yard waste" shall mean accumulations of grass or shrubbery cuttings, leaves, and other organic materials collected as a result of the care of lawns, shrubbery, vines and gardens.

Any other terms as may be used and not otherwise defined herein shall have the meaning given such term in Title 132, Chapter 1, Nebraska Department of Environmental Quality; and all references herein to "Title 132" shall mean *Title 132 - Rules and Regulations Pertaining to Waste Management* of the Nebraska Department of Environmental Quality.

SECTION 6-502: COLLECTION AND DISPOSAL

The Village shall provide for the collection and disposal of nonhazardous municipal solid waste from residential, commercial, institutional, and governmental premises within the Municipal Solid Waste Jurisdiction Area. Such wastes shall be collected on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility approved by the Village Board which meets all state and federal criteria. The Village Board shall approve and is authorized to contract with any such licensed landfill facility for these purposes.

SECTION 6-503: MANDATORY SERVICE

Every occupied residence and every commercial, institutional, multiple residence, apartment, hotel, motel, and governmental building or premises in which day-to-day activities are conducted within the Municipal Solid Waste Jurisdiction Area shall be served by the solid waste collection and disposal service system offered by the Village and shall be subject to the assessment and payment of charges for such service as set from time to time by the Village Board. The Village may also agree to provide such service to persons who do not live within the corporate limits of the Village but who are served by municipal utility services of any kind or who are within such close distance to the corporate limits of the Village as to make such service economical and practical for the Village and its contracted hauler.

SECTION 6-504: CONTRACTS FOR SERVICE

The Village may contract with an independent contractor to provide for the collection and disposal of nonhazardous municipal solid waste. Such contractor shall be selected by competitive bidding and the length of the term of any such contract shall be determined by the chairman and Board of Trustees, not to exceed five years. Any such contractor shall enter into a written agreement with the Village, which agreement shall provide for the rates to be charged by the contractor and such other terms and conditions as may be

required by the chairman and Board of Trustees.

SECTION 6-505: COLLECTION EQUIPMENT REQUIRED

Solid waste shall be collected only in vehicles equipped with a trash bed constructed of substantial metal material, and such bed shall be completely enclosed. The body and bed of any vehicle used in the collection or transportation of solid wastes shall be maintained in a clean and odor-free condition. Before any person, firm or corporation may engage in the business of collecting, hauling or transporting nonhazardous solid waste within the Village, they shall demonstrate to the chairman and Board of Trustees that they currently own or have made proper provision for all required equipment.

SECTION 6-506: RATES

1. Each residential customer who is served by the municipal solid waste collection system shall pay the basic monthly rate as set from time to time by resolution of the Village Board.

2. Each multiple residence, apartment, hotel, motel, commercial, institutional or governmental customer shall pay such basic monthly rate for service by the municipal solid waste collection system as may be negotiated with the contractor providing the solid waste collection service. No such fees or rates as negotiated with the contractor shall be effective or collectible unless within a schedule of rates approved by the Village Board of Trustees.

3. Any additional service which is required by any customer shall be negotiated between the customer and the contractor and shall be at the customer's own expense. Customers shall provide access to their property so that the contractor can use its equipment to collect solid wastes.

SECTION 6-507: FEES AND COLLECTIONS

Municipal solid waste collection billings for residential customers shall be due and payable monthly in advance, shall be issued concurrently with the village water billings and sewer use billings, and shall be payable at the office of the village clerk. Billings for municipal solid waste collection services will be rendered by the Village for residential customers only, and billings for multiple residence, apartment, motel, hotel, commercial institutional and governmental customers within the Municipal Solid Waste Jurisdiction Area shall be the responsibility of the contractor furnishing the solid waste collection services. Municipal solid waste collection billings shall be due and payable on the first day of each month and shall be paid by the 20th of each month. Municipal solid waste collection billings not paid by the 20th of each month shall be deemed delinquent. Upon such billings becoming delinquent, the village clerk shall give a written notice to the residential customer of such delinquency and shall demand immediate payment. If payment of the municipal solid waste collection charges is not received as aforesaid, the village clerk shall follow the procedures set forth in this municipal code to disconnect and discontinue both village water and village solid waste collection services to the residential customer, such services to be deemed a combined utility for these purposes. The village clerk shall assess an additional fee, set by resolution of the Village Board and on file in the office of the village clerk, in the event that water is shut off and solid waste collection services discontinued for nonpayment of any municipal solid waste collection billing to compensate the Village for the additional hook up necessary to again provide water service to the delinquent

residential customer.

SECTION 6-508: LIEN

In addition to all other remedies, if a residential customer shall for any reason remain indebted to the Village for solid waste collection services furnished by the Village or its contractor, such amount due, together with any charges in arrears, shall be considered delinquent and are hereby declared to be a lien upon the real estate for which the same was furnished. Following notice by regular United States mail to the last known address of the property owner of record of the property served by such solid waste collection service and an opportunity for hearing, the delinquent service charge may be certified by the Board of Trustees of the Village to the county treasurer and assessed against the premises served and collected or returned in the same manner as other taxes are certified, assessed, collected and returned.

SECTION 6-509: LICENSED FACILITIES

All nonhazardous municipal solid waste collected within the Municipal Solid Waste Jurisdiction Area shall be disposed of only in a licensed solid waste facility approved by the Board of Trustees of the Village. Any hazardous waste shall be disposed of only in the manner provided by state or federal laws and regulations.

SECTION 6-510: PRIVATE COLLECTION SERVICES PROHIBITED

No person, firm or corporation who is not under contract with the Village shall collect or dispose of nonhazardous municipal solid waste within the Village, except yard wastes, grass clippings, tree branches, or other materials which are collected for recycling or otherwise properly disposed of in accordance with law.

SECTION 6-511: TREES AND TREE BRANCHES

Provided the Village secures and maintains a permit from the Nebraska Department of Environmental Quality pursuant to Title 128, the Village shall designate and provide an area within the municipal landfill for the receipt, storage, and/or disposal of trees, tree limbs and tree branches gather from within the Municipal Solid Waste Jurisdiction Area. Such disposal site shall be made available, at no charge, at the time or times specified by the Board of Trustees of the Village.

SECTION 6-512: DISPOSAL OF HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

Any person, firm or corporation within the Solid Waste Jurisdiction Area of the Village who generates or creates hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.

SECTION 6-513: SINGLE PREMISES

No person shall accept from any other person any of such other person's disposable solid waste to be commingled with and disposed of as a part of the accepting person's solid waste. All solid waste which is to be picked up by the Village or its contractor for each

residence and for each commercial, institutional, apartment, multiple family, hotel, motel, or governmental building shall be only the solid waste which is generated at the site and shall not include any items left for disposal by any other person.

SECTION 6-514: HAZARDOUS ITEMS AND ITEMS REQUIRING SPECIAL HANDLING OR DISPOSAL

No person shall put out to be collected by the municipal solid waste collector any of the following items:

1. Yard wastes, including grass clippings and tree branches;
2. Unregulated hazardous wastes, except household wastes which are exempt from the regulations of the Environmental Protection Act;
3. Tires;
4. Waste oil;
5. Lead-acid batteries; and
6. Household appliances.

Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof.

SECTION 6-515: ADDITIONAL REGULATIONS

The Board of Trustees of the Village may, from time to time, make and adopt by resolution such additional rules and regulations governing the use, operation and control of the solid waste collection system and the regulation of municipal solid waste within the Municipal Solid Waste Jurisdiction Area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety and welfare of all persons within the Municipal Solid Waste Jurisdiction Area.

SECTION 6-516: VIOLATION

1. Complaints regarding the violation of the terms of any agreement entered into between the contractor and the Village for municipal solid waste collection and disposal services shall be directed to the contractor by the Village in writing and the contractor shall have such time as may be set by the Board of Trustees within which to correct said violations. If violations are not corrected within the specified time, the Village Board may vote to revoke said contract at a regular or special Village Board meeting that contractor has been given notice of by certified mail at least seven days prior to such meeting. Revocation of said contract shall be effective by sending such notice to the contractor, by certified mail, stating the date that service is to be terminated, after the Village Board has voted for revocation.

2. It shall be unlawful and an offense for any person, firm or corporation within the Village or in the Municipal Solid Waste Jurisdiction Area to conduct or operate any type of dump or waste disposal system for the use of themselves or other persons. Each day of operation or conduct of such waste disposal system or transfer site or other means of disposing garbage within the Village shall constitute a separate violation by said person, firm or corporation, punishable by a fine in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance for each violation.

3. In addition to the above-referenced penalty, any person, firm or corporation

within the Village which conducts, operates or uses any type of dump or waste disposal system for themselves or other persons, other than the Village's solid waste disposal service, shall be subject to a noncompliance fee of up to \$500.00 pursuant to the provisions of Section 13-2023 of the Nebraska Integrated Solid Waste Management Act.

4. No property owner or person in lawful possession of property shall allow the accumulation of junk or municipal solid waste on such property to the extent that such accumulation is a potential hazard to public health or safety. Each day such municipal solid waste or junk is allowed to accumulate on such property shall constitute a separate violation and shall be punishable by a fine in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance for each violation.

ARTICLE VI – PENAL PROVISION

SECTION 6-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.