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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: UTILITY BILLS

Charges for water and sewer service shall be billed jointly on a monthly basis. Utility bills shall be mailed no later than the tenth day of each month and shall be due and payable by the 20th day of the month in which they were mailed. Any bill not paid within 30 days shall be deemed to be delinquent. A delinquent notice may be sent to any customer, and to the owner of the property if the customer is a tenant, whose account is delinquent for 30 days. (Am. Ord. No. 691, 2/25/08)

SECTION 7-102: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. If the customer fails to pay the account in full or fails to make satisfactory arrangements for payment within ten days from receipt of the delinquent notice, service may be discontinued. Any customer may request a conference with the Village Board within the ten-day period and will be provided a copy of the village procedures governing discontinuance of services.

B. Prior to disconnection of service, a notice of disconnect shall be affixed to the door or other prominent part of the house at least 24 hours prior to the actual disconnection. Before service to the premises can be restored, the owner or occupant shall pay all delinquent charges and reconnection fees as established from time to time by the Village Board. There shall be an additional charge if service is requested after business hours. Said reconnection fees shall be available for public inspection at the office of the Village Clerk during normal business hours.

C. If a customer has previously been identified as a welfare recipient by the Department of Health and Human Services, the delinquent notice shall be by certified mail and notice of the proposed termination of service shall be given to HHS.

D. The Village Clerk shall provide written notice to all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of utility charges.

(Neb. Rev. Stat. §70-1603, 70-1604) (Am. Ord. No. 691, 2/25/08)

SECTION 7-103: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the Village for utilities services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Village Clerk shall provide written notice to all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of the

utility charges. It shall be the duty of the Village Clerk to report to the Village Board a list of all unpaid accounts due for utilities service, together with a description of the premises served. The report shall be examined and if approved by the Village Board, shall be certified by the Village Clerk to the County Clerk to be collected as a special tax in the manner provided by law. **(Neb. Rev. Stat. §17-538, 17-125.01, 18-503)** (Am. Ord. No. 691, 2/25/08)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

The Village owns the village water system and operates it through the Village Board or its designated agent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village water 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 Water Fund and shall remain in the custody of the Village Treasurer. The Village Board or its designated agent shall have the direct management and control of the Water Department and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. The Board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Village Clerk for public inspection during office hours. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

The following definitions shall be applied throughout this 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 dispersing the same in the Village.

"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.

"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.

"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.

SECTION 7-203: CONNECTION TO WATER LINES

A. The Village has constructed and owns and operates a Village water distribution system serving residents and nonresidents of the Village. Just and equitable charges should be established for connection to said system.

B. For the purpose of paying the capital and operating costs of the water distribution system, the Chairperson and Village Board of Trustees are hereby author-

ized to require applications for connection to said system; to impose connection charges to be paid before permitting connections to said system; and to require a security deposit to be paid at the time of an application for connection which shall be refunded to the applicant following an inspection of the connection by the Utility Inspector.

C. The provisions of this section may be instituted and modified by resolution adopted by the Chairperson and Village Board of Trustees from time to time.
(Ord. No. 633, 12/11/01)

SECTION 7-204: CONSUMER'S APPLICATION

Every person desiring a supply of water must make application therefor to the Village Clerk, who shall require every applicant to make a combined water and sewer service deposit and hookup fee in such amount as the Village Board may establish from time to time. The deposit shall be refunded to the consumer only after one continuous year of payments without any delinquencies. Water may not be supplied to any house or private service pipe except upon the order of the Village Board. **(Neb. Rev. Stat. §17-537)**

SECTION 7-205: WATER CONTRACT; NOT TRANSFERABLE

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

B. The Water Department shall not supply water service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to provide water service to nonresidents. **(Neb. Rev. Stat. §19-2701)**

C. 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. 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 said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the Village Board's designated 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 except by order of the Board.

D. 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 Village Board's designated agent, who shall cause the water service to be shut off at 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 Village Board's designated agent is otherwise advised of such circumstances. **(Neb. Rev. Stat. §17-537)**

SECTION 7-206: 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 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 Village Board's designated agent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require two inspections by the Village Board's designated agent and the Plumbing Inspector. 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 Village Board's designated agent and the Plumbing Inspector at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Village Board's designated agent and the Plumbing Inspector; provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. **(Neb. Rev. Stat. §17-537)**

SECTION 7-207: PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. **(Neb. Rev. Stat. §71-5301)**

SECTION 7-208: INSTALLATION EXPENSE

For connection to the village water system, an applicant shall pay a tap fee in an amount set by the Village Board from time to time and available for public inspection at the office of the Village Clerk during normal business hours. The customer shall at his/her own expense employ a plumber or the Village Board's designated agent, who shall tap the water main and bring water service to the place of dispersement and provide fixtures up to and including the stop box and the supply and service pipe from

the lot line to the customer's premises. The Village shall pay the cost of all meters, which shall be supplied by the Board's designated agent. Nonresidents shall pay such tap fees and installation charges in such sums as the Board shall establish. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. (Neb. Rev. Stat. §17-542)

SECTION 7-209: FEES AND COLLECTIONS

The Village Board has the power and authority to fix the rates to be paid by 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, 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, making his/her receipt therefor in duplicate, filing one and keeping the other on file in the Water Department's official records. (Neb. Rev. Stat. §17-540)

SECTION 7-210: MINIMUM RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Village Board to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §17-542)

SECTION 7-211: WATER SERVICE AND USE CHARGES; LIEN

A. The Village has constructed and owns and operates a village water distribution system serving residents and nonresidents of the Village. Just and equitable charges have been established for the use of said system and for the sale of water.

B. Definitions:

"Consumer" is used in this section to include all users of the water system, including all persons, firms or corporations whose premises are served thereby and all owners and tenants of real estate and buildings connected with said system or served thereby. The Village Clerk shall classify all consumers as either "residents" (water meter located inside the village corporate limits) or as "nonresidents" (water meter located outside the village corporate limits) in accordance with the village boundaries as established from time to time.

"Water system" means the existing village water distribution system and all additions thereto, owned and operated by the Village, distributing potable water to consumers located both inside and outside the village limits.

(Ord. No. 631, 9/11/01)

C. For the purpose of paying the capital and operating costs of the water system, monthly meter charges and water rates to be charged against each lot, parcel of land or premises served by said water system are established by the Village Board

by ordinance, which shall be published as required by law and shall be available for public inspection during normal business hours.

1. Each consumer shall pay a monthly service charge according to the number of operating water meters connected to the water system and according to whether he/she is a resident or nonresident as defined in subsection (B) above.
2. All water consumers shall be charged a flat fee for the first thousand gallons, depending on the size of their meter(s). If more than a thousand gallons are consumed, the consumer shall be charged a flat fee times each additional thousand gallons or portion thereof.

D. Bills for water charges hereunder shall be rendered following each month's usage and shall become delinquent after the 20th of the month. A delinquency charge of 10% of the unpaid bill shall be added to any delinquent bill to cover the additional expense incurred by the Village.

E. All charges prescribed by this section shall constitute a lien upon the premises and real estate for which the service is supplied, and if not paid when due may be recovered by the Village in any lawful manner.

F. If for any reason any of the charges or rates established by the Village Board should be invalid or unenforceable, the Village shall be entitled to receive and collect from the consumers a reasonable rate or charge for the use of its water system.

(Ord. No. 631, 9/11/01)

SECTION 7-212: REPAIRS AND MAINTENANCE

A. The Village shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his/her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersement. When leaks occur in service pipes, the Village Board's designated agent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Board's designated agent. All water meters shall be kept in repair by the Village at its expense. When meters are worn out, they shall be replaced and reset by the Village at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his/her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Village Clerk shall bill and collect from the customer the cost of such 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 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 always have the right to place a new meter on the customer's water service fixtures at Village expense.

C. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Village Board.

D. 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.

(Neb. Rev. Stat. §17-537)

SECTION 7-213: INSPECTION

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

SECTION 7-214: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the 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 Village Board.

SECTION 7-215: 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 Village Board. (Neb. Rev. Stat. §17-537)

SECTION 7-216: RESTRICTED USE

The Village Board 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. (**Neb. Rev. Stat. §17-537**)

SECTION 7-217: 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, or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-218: 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. (**Neb. Rev. Stat. §17-536**)

SECTION 7-219: FLUORIDE PERMITTED

Fluoride may be added to the water supply of the Village of Waterloo. (Am. Ord. No. 622, 2/8/00)

SECTION 7-220: UNAUTHORIZED RECONNECTION

When water service has been disconnected pursuant to **Neb. Rev. Stat. §70-1601 to §70-1615**, or Section 7-102 of this chapter, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

SECTION 7-221: METER BYPASSING

Any person who connects any pipe or conduit supplying water without the knowledge and consent of the Village in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above-mentioned unauthorized ways, shall be deemed guilty of an offense.

SECTION 7-222: METER TAMPERING

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.

SECTION 7-223: DIVERSION OF SERVICES; PENALTY

A. The Village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a village utility.

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

1. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or
2. Liquidated damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

C. In addition to damage or loss under subsection (B) (1) or (2) of this section, the Village may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of **Neb. Rev. Stat. §25-1801**.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant:

1. Had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and
2. Was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws; and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §86-331.01 through 86-331.04)

SECTION 7-224: PRIVATE WELLS; PERMIT REQUIRED

It shall be unlawful for any person, entity or corporation to construct a water well within the zoning jurisdiction of the Village when such area is serviced by the village water system without first having obtained a permit from the Zoning Administrator.

SECTION 7-225: PRIVATE WELLS; STANDARDS AND REQUIREMENTS

In order to protect the general health, safety and welfare of the people within the zoning jurisdiction of the Village and of the general public, private water supply systems may only be constructed, used and maintained upon obtaining a permit from the Village Board. In determining whether to issue a permit, the Board shall take into account the rules and regulations of the Nebraska Department of Health and Human Services regulation and licensure.

SECTION 7-226: WELLS AND OTHER FACILITIES; RESTRICTIONS; PERMIT REQUIREMENTS

A. The intent of this section is to establish control by the Village over the location of future potential sources of contamination within the Village, extraterritorial jurisdiction or the Village's drinking water system so as to prevent or minimize any hazard to the safety of the Village's drinking water.

B. For purposes of this section, "water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the underground water. "Water well" shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried or inserting media to repressure oil or natural gas bearing formations.

C. It shall be unlawful to place, maintain, construct, or replace any of the following structures or conduct any of the following activities within the distance specified below from an existing village water well:

CATEGORY	DISTANCE
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Corral	500 feet
Chemical Storage	500 feet
Petroleum Storage	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet

<i>CATEGORY</i>	<i>DISTANCE</i>
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Absorption or Disposal Field for Waste	500 feet

D. The construction of a water well within the corporate limits or within one mile of the corporate limits of the Village shall not be started unless a permit has been approved by and obtained from the Village Board.

E. The Village Board may consider allowing placement of water wells, as defined by state regulations governing public water supply systems (Title 179, NAC 2) and governing water well construction, pump installation and water well abandonment standards (Title 178, NAC 12) as amended from time to time, closer to a village water well than the limitations set forth in subsection C above. Closer placement shall be allowed only under the following conditions:

1. An application must first be filed with the Village showing the type of water well to be installed, the materials used, the operation of the proposed unit, and the person responsible for the actual installation of the water well. Preference for approval will be given to installations that do not disturb any water-bearing strata.
2. The Village shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his or her examination and report shall be paid by the applicant in addition to any previously paid estimated costs.
3. The Village Board shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, the Village Board must act to prevent all sources of possible or likely water contamination.

F. If the Village Board approves the installation, it shall submit the application, together with the engineer's report, to the Nebraska Department of Health and Human Services regulation and licensure for final approval or denial.

G. No installation shall be made without the approval of both the Village Board and HHS.

H. Water wells in existence and use as of February 6, 1994 shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of the drinking water available for public use to the Village's drinking water. The owner of any water well shall have the burden of establishing the existence and use of such well as of such date.

Article 3 – Water Department Backflow Regulations

SECTION 7-301: STATEMENT OF POLICY

A. The purpose of these backflow regulations is:

1. To protect the public potable water supply of the Village from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation, or control of consumers' potable water systems and non-potable water systems, plumbing fixtures and industrial-process systems.

B. These regulations shall apply to all premises serviced by the public potable water system of the Village.

C. These regulations will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The Water Department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The consumer is responsible for preventing contamination of the water system within the consumer's own premises. (Ord. No. 589, 2/9/93)

SECTION 7-302: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations.

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.

"Approved tester" means a person qualified to make inspections and to test and repair backflow prevention/cross-connection control devices and who is approved by the Village.

"Auxiliary water supply" means any water source system, other than the public water supply, that may be available in the building or premises.

"Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases, or substances into the distribution system of a public water supply.

"Backsiphonage" means the flowing back of water or other foreign liquids, gases, or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

"Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system which has been tested and approved by a reputable testing laboratory.

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

"Containment" means protection of the public water supply by installing a cross-connection device or air gap separation on the main service line to a facility or as an installation within equipment handling potentially hazardous materials.

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

"Cross-connection" means any physical link between a potable water supply and any other substance, fluid, or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

"Degree of hazard" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

- A. "Health hazard" means any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
- B. "Plumbing hazard" means a plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.
- C. "Pollution hazard" means an actual or potential threat to the physical properties of the water system or to the consumer's potable water system constituting a nuisance or which is aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
- D. "System hazard" means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consum-

er's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Isolation" means protection of a facility service line by installing a cross-connection control device or air gap separation on an individual fixture, appurtenance or system.

"Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such waters for domestic use.

"Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health and the drinking water standards.

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

"Village" shall include any person or department designated by the Village to administer these regulations.

"Water Department" means the Municipal Water Department of the Village of Waterloo, Nebraska.
(Ord. No. 589, 2/9/93)

SECTION 7-303: CROSS-CONNECTIONS PROHIBITED

A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Village or its authorized representative.

B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Department as necessary for the protection of health and safety and the National Plumbing Code.
(Ord. No. 589, 2/9/93)

SECTION 7-304: SURVEY AND INVESTIGATIONS

A. The consumer's premises shall be open at all reasonable times to the Village's authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections in the consumer's water system.

B. On request by the Village, the consumer shall furnish information on water use practices within his/her premises and in the consumer's water system.

C. On request by the Village's authorized representative, the consumer shall conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections. The consumer shall provide the survey results to the Village.

(Ord. No. 589, 2/9/93)

SECTION 7-305: WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the Village a health, plumbing, pollution or system hazard exists.

B. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Village, the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply.
2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.
4. Premises having a repeated history of cross-connections being established or re-established.
5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

7. Premises where toxic or hazardous materials are handled.

C. The following types of facilities fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the Village or the Nebraska Department of Health to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Village and the Nebraska Department of Health:

1. Agricultural chemical facilities.
2. Auxiliary water systems and wells.
3. Premises having water recirculating systems such as used for boilers or cooling systems.
4. Bulk water loading facilities.
5. Car washes, automobile servicing facilities.
6. Chill water systems.
7. Feedlots.
8. Fire protection systems.
9. Hazardous waste storage and disposal sites.
10. Irrigation and lawn sprinkler systems.
11. Laundries and dry cleaning.
12. Petroleum processing or storage plants.
13. Beauty salons.
14. Schools.
15. Sewage pumping stations.
16. Livestock watering sites.
17. Nursing homes.
18. Dental offices.
19. Mortuaries.
20. Hospitals.
21. Other commercial or industrial facilities which may constitute potential cross-connection.

(Ord. No. 589, 2/9/93)

SECTION 7-306: TYPE OF PROTECTION REQUIRED

The type of protection required by these regulations shall depend on the degree of hazard which exists, as follows:

A. An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.

B. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.

C. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a polluttional hazard not dangerous to health.
(Ord. No. 589, 2/9/93)

SECTION 7-307: BACKFLOW PREVENTION DEVICES

Any backflow prevention device required by these regulations shall be of a model or construction approved by the Village and the Nebraska Department of Health.

A. Air gap separation to be approved shall be at twice the diameter of the supply pipe measured vertically above the top rim of the vessel but in no case less than one inch.

B. Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health unless the device was installed at the time these regulations were passed and complies with required inspection and maintenance.
(Ord. No. 589, 2/9/93)

SECTION 7-308: INSTALLATION

A. Backflow prevention devices required by this policy shall be installed at a location in a manner approved by the Village's authorized agent. All devices shall be installed at the expense of the consumer unless the Village assumes responsibility for the payment.

B. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or the curb stop, as close to the meter or curb stop as is reasonably practical and prior to any other connection.

C. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by an fluid. All devices shall be installed according to manufacturer's recommendations.
(Ord. No. 589, 2/9/93)

SECTION 7-309: TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the Village. Actual testing shall be at the expense of the consumer unless the Village assumes responsibility for payment. Any required maintenance or repairs shall be at the expense

of the consumer and subject to the approval of the Village. If testing shall require entry into the premises, the Village shall give notice setting forth a proposed date and time to the consumer at least 10 working days in advance by certified first class mail, return receipt requested. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the Village to arrange another date and time. All testing shall be performed by a Grade VI certified tester. (Ord. No. 589, 2/9/93)

SECTION 7-310: VILLAGE AUTHORITY

The Village shall have authority to issue any order consistent with the provisions of these regulations in order to protect the public health and safety. Any order shall be in writing and shall clearly state the nature of the order and compliance requirements and shall set a reasonable date by which compliance must be met. All orders shall be mailed to the consumer by certified first class mail, return receipt requested. (Ord. No. 589, 2/9/93)

SECTION 7-311: APPEALS

In the event that it is claimed that the true intent and meaning of these regulations has been wrongfully interpreted by the Village, that the time allowed for compliance with any order of the Village is too short, or that the conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by these regulations, the consumer may file a written notice of appeal with the Village Clerk within 10 days after the decision or order has been made. The appeal shall be in writing and shall state the reason for the appeal. The Village Board shall hear all appeals and shall have the power and authority to modify the decision or order. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. (Ord. No. 589, 2/9/93)

SECTION 7-312: VIOLATIONS AND PENALTIES

The Village shall deny or discontinue water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the Village, if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists. (Ord. No. 589, 2/9/93)

SECTION 7-313: LIABILITY CLAIMS

The Village shall hold its representatives harmless from and against any claims arising from the enforcement of these regulations, provided that the representatives have acted in good faith and without malice. (Ord. No. 589, 2/9/93)

Article 4 – Sewer Department

SECTION 7-401: OPERATION AND FUNDING

The Village owns the village sewer system and operates it through the Village Board or its designated agent. The Board, for the purpose of defraying the cost of the management and maintenance of the village sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Village Board's designated agent 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. §17-125.01)

SECTION 7-402: CONNECTION TO SEWER; CHARGES

A. The Chairperson and Village Board of Trustees hereby find and determine that the Village has constructed and owns and operates a village sewerage system serving residents and nonresidents of the Village and that just and equitable charges should be established for connection to said system.

B. For the purpose of paying the capital and operating costs of the sewerage system, the Chairperson and Village Board of Trustees are hereby authorized to require applications for connection to said system; to impose connection charges to be paid before permitting connections to said system; and to require a security deposit to be paid at the time of an application for connection, which shall be refunded to the applicant following an inspection of the connection by the Utility Inspector.

C. The provisions of this section may be instituted and modified by resolution adopted by the Chairperson and Village Board of Trustees from time to time.
(Ord. No. 633, 12/11/01)

SECTION 7-403: APPLICATION FOR PERMIT; DEPOSIT, HOOKUP FEE

Any person wishing to connect with the sewer system must make application to the Village Clerk, who shall require every applicant to make a combined water and sewer service deposit and hookup fee in an amount established by the Village Board, from which the Village may deduct delinquent water and sewer rents. Such deposit shall be refunded to the consumer only after one continuous year of payments without delinquencies. The hookup fee shall not be refunded. Sewer service may not be supplied to any house or private service pipe except upon the order of the Village Board. The Village shall not supply sewer service to anyone outside the corporate limits without special permission from the Village Board; provided, the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall

be construed to obligate the Village to provide sewer service to nonresidents. (Neb. Rev. Stat. §19-2701)

SECTION 7-404: SEWER CONTRACT; NOT TRANSFERABLE

A. The Village through the Village Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village as and when, according to law, the Village Board may see fit to do so. The rules, regulations, and sewer rental rates hereinafter 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 Village Board's designated 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 said agent. (Neb. Rev. Stat. §17-101, 17-102)

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 is destroyed by fire or other casualty, he/she shall at once inform the Village Board's designated agent, 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 said agent is otherwise advised of such circumstances. (Neb. Rev. Stat. §18-503)

SECTION 7-405: 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. (Neb. Rev. Stat. §18-503)

SECTION 7-406: 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 the house sewer is laid, the public ways and property shall be restored to good condition.

B. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the Village Board's designated agent 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.

C. All installations or repairs of pipes require two inspections by the Plumbing Inspector or the Village Board's designated agent. The first inspection shall be made when connections or repairs are complete and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the Village Board's designated agent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Plumbing Inspector and the Village Board's designated agent, provided the said rules, regulations, and specifications have been reviewed and approved by the Village Board.

(Neb. Rev. Stat. §18-503)

SECTION 7-407: INSTALLATION EXPENSE

Upon the approval of the customer's application for sewer service, he/she shall pay a tap fee set from time to time by the Village Board and available for public inspection at the office of the Village Clerk during normal office hours. The customer shall further be required to pay the expense of procuring the materials required as well as the services of a plumber and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-408: CLASSIFICATION

The Village Board may classify the customers of the Village Sewer Department for the purpose of rental fees, provided such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Neb. Rev. Stat. §17-125.02)

SECTION 7-409: RATE SETTING

Customers of the Village Sewer Department shall be charged a flat rate for the use of sewer service. Rates shall be set by ordinance and shall be on file at the office of the Village Clerk for public inspection during office hours.

SECTION 7-410: WATER VOLUME AND BASE RATES; LIEN

A. The Village has constructed and owns and operates a wastewater system for the collection and treatment of sewerage, serving residents and non-residents of the Village. Just and equitable charges shall be established for the use of said system.

B. Definitions:

"Commercial" shall include all consumers other than residential consumers but may include home businesses.

"Consumer" is used in this section to include all users of the wastewater system including all persons, firms or corporations whose premises are served thereby and all owners and tenants of real estate and buildings connected with said system or served thereby.

"Residential" shall include single- or multiple-family dwellings, including mobile and modular houses, where the primary purpose of the facility is for residential purposes.

"Wastewater system" means the existing village sewerage system, including the wastewater treatment facility and all additions thereto, owned and operated by the Village, providing services to consumers located both inside and outside the village limits.

C. The Village Clerk shall classify all consumers as either "residential" or "commercial" and as "inside the village limits" or "outside the village limits" in accordance with the village boundaries established from time to time. (Ord. No. 626, 8/24/00)

D. For the purpose of paying the capital and operating costs of the wastewater system, the Village Board from time to time shall establish rates and charges to be paid by customers of the village sewer system, available for public inspection at the office of the Village Clerk during normal business hours. The base rates shall be as follows:

1. A flat sewer fee shall be charged for the first 3,000 gallons of water delivered through the consumer's water meter each month.
2. For each 1,000 gallons of water used or portion thereof in excess of 3,000 gallons, the consumer will pay a wastewater charge as follows:
 - a. Residential: Based on the average water volume from November 1 through March 31 of the prior year.
 - b. Commercial: Based on the current month's water volume.

E. Bills for wastewater charges hereunder shall be rendered following each month's usage and shall become delinquent after the 20th of the month. A delinquency charge of 10% of the unpaid bill shall be added to any delinquent bill to cover the additional expense incurred by the Village.

F. All charges prescribed by this section shall constitute a lien upon the premises and real estate for which the service is supplied and if not paid when due may be recovered by the Village in any lawful manner.

G. If for any reason any of the rates established by the Village Board and charged to consumers should be invalid or unenforceable, the Village shall be entitled to receive and collect from such consumers a reasonable rate or charge for the use of its system.

(Ord. No. 626, 8/24/00)

SECTION 7-411: REPAIRS AND MAINTENANCE

The Village shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the Village Board's designated agent; provided, the same have been previously approved by the Board.

SECTION 7-412: MANHOLES

Entrance into a manhole or openings 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 7-413: UNLAWFUL DISCHARGE INTO SEWER SYSTEM

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, unpolluted industrial process waters, or the contents of any domestic or private swimming pool into the sanitary sewer.

SECTION 7-414: PRELIMINARY TREATMENT FACILITIES

In the event a customer of the Village 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 Village Board's designated agent 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 Village 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 Village Board and an industry 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 7-415: INSPECTIONS

The Village Board's designated agent shall have free access at any reasonable time to all parts of each premises and building which is connected with the sewer system to ascertain whether there is any disrepair or violations of this article therein.

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

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

"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 or general definition is a solid waste which because of quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating, reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

"Refuse" shall mean putrescible and non-putrescible solid wastes except body wastes and include 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, 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 plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities.

"Village solid waste jurisdiction area" shall mean all the incorporated areas of the Village.

"Yard waste" shall mean grass and leaves.

(Neb. Rev. Stat. §13-2012, 13-2014, 13-2016.01, 13-2020, 13-2023, 13-2026, 81-1502)

SECTION 7-502: DISPOSAL

The Village shall provide or contract for the disposal of non-hazardous solid waste from residential, commercial, institutional, and governmental premises within its solid waste jurisdiction area. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility approved by the Vil-

lage Board and which meets all state and federal criteria. The Board shall approve of and is authorized to contract with any such licensed landfill facility for these purposes. (Neb. Rev. Stat. §13-2020)

SECTION 7-503: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

Any person, firm, or corporation within the village solid waste jurisdiction area 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. (Neb. Rev. Stat. §13-2020, 13-2023, 13-2026)

SECTION 7-504: ADDITIONAL REGULATIONS

The Village Board may from time to time make and adopt by ordinance such additional rules and regulations governing the use, operation, and control of the solid waste collection and disposal system and the regulation of solid waste with the village 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 solid waste jurisdiction area. (Neb. Rev. Stat. §13-2020, 13-2023, 13-2026)

SECTION 7-505: NUISANCE; ABATEMENT

It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises or any other place within the village solid waste jurisdiction area, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Village unless the same is kept in approved receptacles as nearly airtight as may be practical. It shall be unlawful and declared to be a nuisance to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, garbage, refuse, or rubbish of any kind. No person shall permit garbage, refuse, or rubbish to collect and all persons shall remove the same within 24 hours after being notified to do so by the Village. (Neb. Rev. Stat. §13-2020, 13-2023, 13-2026, 18-1720)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.