

## **CHAPTER 7 – PUBLIC UTILITIES**

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## **CHAPTER 7 – PUBLIC UTILITIES**

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

#### **SECTION 7-101: VILLAGE POWERS; RATE SETTING**

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

#### **SECTION 7-102: WATER AND SEWER CONTRACT; NOT TRANSFERABLE**

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

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

C. Contracts for water and 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 consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the village clerk, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for water monthly until the utilities superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537) (Ord. No. 321, 8/6/02)

**SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT; ACCOUNT CREATION FEE;**

A. Every person or persons desiring water or sewer service must make application therefor to the village clerk. The village may require any applicant to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. (Ord. No. 321, 8/6/02)

B. At the time any new account is established for any customer of the municipal water works or sanitary sewer system who owns or occupies the premises to be served and for which a bill is rendered, said customer shall remit to the village an account creation fee which shall be paid prior to the establishment of service for said account. At any time said account is modified by changing location of the service or reestablishment of service following voluntary customer disconnection of five months or less, said customer shall remit to the village an account modification fee which shall be paid prior to the establishment of service at the new location or reestablishment of service. Both of said fees shall be set by the Village Board by resolution and placed on file in the office of the village clerk. (Ord. No. 335, 1/3/06)

C. Renters shall pay a deposit which shall be returned when the renter disconnects the services and when there is no outstanding balance for the renter for the water services provided. Such deposit amount shall be set by the Village Board by resolution and placed on file in the office of the village clerk. The village may offset any outstanding charges that are outstanding at the time the renter disconnects. (Ord. No. 335, 1/3/06)

**SECTION 7-104: UTILITY DEPOSITS; RENTAL PROPERTIES AND CONTRACTORS**

The following policies and procedures are established by the village concerning utility deposits on residential multi-family dwelling units, mobile home parks and individual residential family rental properties:

A. Utility deposits for three or more rental units consisting of multi-family dwelling units, individual residential homes or mobile homes with common ownership shall be made by the owner according to the terms and conditions of either one of the options set forth below. The owner of said residential units shall notify the village in writing of his or her election of either of the stated deposit policies.

1. Said owner may deposit an amount per meter for each of the individual rental units when said rental units are unoccupied or when a deposit is not on file with the village. Utility service will be supplied to the rental unit only during such time as there is a deposit on file so that a deposit shall be required in the event said owner wishes service to the unit to be continued during vacancy of the unit. Said deposit shall be returned to the owner at such time as a deposit for said rental unit is received by the village from the renter of said unit.

2. A property owner may remit a floating deposit for continued service during a vacancy in such rental property. The deposit amount shall be set according to whether the owner has one to three units or four or more units. The owner may request a refund of such deposit at any time. If the property owner does not place a floating deposit under this section, he or she shall post a regular deposit for continuation of service during any and each vacancy.

B. Contractors constructing residential dwelling units within the village who have three or more deposits on file for construction sites may also elect to remit to the village clerk a deposit for each construction site according to the deposit requirements set forth above or they may elect to make a deposit in a set amount according to the terms and conditions set forth above. Said election made by the contractors shall be made in writing and filed with the village clerk.

C. All of the deposit amounts as set forth above in this section shall be set by the Village Board by resolution and placed on file in the office of the village clerk.

(Ord. No. 321, 8/6/02)

#### **SECTION 7-105: METER DEPOSITS**

A. Every water end user shall be required to remit a water meter deposit paid to the village to obtain an approved  $\frac{3}{4}$ " or 1" water meter. The deposit will be paid at the time of obtaining the meter, which will be the cost of the meter plus an administrative fee of 10%. The deposit for rural water customers outside the limits of the village shall be the same as those for residents of the village.

B. The water meter deposit will be returned in one of the following ways:

1. The water end user may leave the water meter in place and the water meter deposit will be returned within 30 days following the termination of said service, providing that the new water end user has remitted a deposit for the in-place water meter.
2. At termination of water service, the water end user may return the water meter to the village and said water meter deposit shall be returned within 30 days following the termination of said service.

(Ord. Nos. 335, 1/3/06; 301, 2/2/99; 291, 12/9/97; 283, 12/3/96; 269, 7/7/92)

#### **SECTION 7-106: BILLING AND COLLECTIONS**

A. Water and sewer bills shall be due and payable monthly in a manner approved by the Village Board. The Water Department shall charge each customer for the amount of water consumed since the last meter reading, together with any other charges, properly itemized, due the village, and shall collect same from the respective customer. Bills shall be due and payable on the first day of each month. Bills not paid by the first day of each month will be deemed delinquent and a late fee of 10%

will be added to the customer's bill. Upon being deemed delinquent, as herein defined, the disconnection procedure set out in Section 7-107 shall be carried out. (Ord. No. 321, 8/6/02)

B. Solid waste fees are charged and collected by commercial garbage companies operating within the village.

**SECTION 7-107: DISCONNECTION FOR NON-PAYMENT; PROCEDURES AND STANDARDS**

A. A demand letter shall be sent to each customer who has failed to remit the amount due for utility services before the 16th day of each month. Said demand letter shall inform the customer that unless payment of the amount due is made before the 26th day of the month, the village will initiate formal procedures to disconnect the water service made to the consumer.

B. If payment in full of the delinquent bill is not received by the 26th day of the month following issuance of the demand letter or unless some arrangements have been made for payment of the bill, notice shall be given to the customer informing him or her that water service will be disconnected within 10 days of the date of the letter if payment on the bill is not made, arrangements are not made for the payment of the bill, or unless a conference is requested concerning the disconnection. If said notice is sent by first class mail, the envelope shall be marked conspicuously: "IMPORTANT NOTICE CONCERNING UTILITY DISCONNECTION." In the event the Department of Utilities is aware that the customer is a recipient of assistance as notified by the Department of Social Services, the notice shall be sent by certified mail to the customer, with a copy of the notice of proposed termination being sent to Social Services.

B. The notice to the customer shall include the following:

1. The reason for the proposed disconnection;
2. A statement that the water will be disconnected unless the customer either pays the bill or reaches an agreement concerning payment of the bill with the village clerk;
3. The exact date the water will be disconnected if no action is taken by the customer;
4. A statement that the customer may contact the office of the village clerk concerning any inquiry or complaint;
5. A statement that the customer may request a conference concerning any dispute over the proposed disconnection and that no disconnection of service can be made until the conclusion of the conference;

6. A statement advising the customer that if a certificate of a physician in the state certifying that the customer's household has an illness or handicap which would cause an immediate and serious health hazard if water service was discontinued, disconnection of the service may be postponed or prevented. The statement shall further advise the customer, that if such a certificate is filed with the village clerk, the disconnection will be postponed for a period of 30 days and that only one postponement may be received by the customer for each incident of non-payment of a delinquent account;
7. A statement that the cost of the reconnection of the water will be borne by the customer;
8. A statement that the customer may arrange for an installment payment plan of the bill;
9. A statement that customers who are recipients of assistance from Social Services shall contact their caseworkers concerning possible assistance in payment of their utility bills.

C. If the customer requests a conference, the village clerk shall notify the customer in writing of the time, place, and date scheduled for the conference. Said conference shall be held within 14 days of the receipt of the customer's request. The conference shall be informal and no rules of evidence shall apply. Said designated employee shall determine whether or not the disconnection should be made or shall determine any other arrangements for payment of the bill which may avoid termination of the service. In the event the customer contacts the village clerk prior to the scheduled conference and shows a valid reason why he or she cannot attend the hearing as scheduled, all reasonable efforts shall be made to reschedule the hearing.

D. The village clerk is hereby designated as the utility employee to hear and decide all matters pertaining to the dispute and the requested conference and he or she shall reduce his or her decision to writing, including the supporting reasons therefor and serve a copy of his or her decision on the customer either personally or by certified mail, return receipt requested. In the event the decision is made to disconnect the customer's service, the statement sent or delivered to the customer shall include a statement informing the customer that he or she can appeal the decision to the Board of Trustees and that any appeal must be made within ten days of the date of the conference decision as provided below.

E. The customer shall have the right to an appeal an adverse decision of the village clerk's hearing to the Board of Trustees. Upon notice of an appeal, the village chairman shall designate a time, place and date for such hearing and shall notify the customer of the scheduling of the hearing and shall forward a copy of the hearing procedures to the customer. No disconnection of service shall be made pending the determination by the board on the merits of the case.

F. After determination by the Board of Trustees whether disconnection should be made or other arrangements made concerning payment of the bill, the board's decision shall be mailed or delivered to the customer. If at any stage the customer fails to respond to notices as provided hereinabove, said water service shall be disconnected without further notice to the customer.

G. If at any time during the procedures as specified herein the customer remits all sums owed to the village for utility services, all of said procedures shall then be canceled.

(Ord. No. 321, 8/6/02)

### **SECTION 7-108: DISCONNECTION; APPEALS HEARING; PROCEDURES**

The following procedures are established for appeal hearings by the Board of Trustees for disconnection of utility services to the customers of the village water system:

A. Any customer prosecuting an appeal to the Board of Trustees of a hearing where a decision was made for disconnection of water services shall have the right to present witnesses, offer evidence, confront and cross-examine such witnesses that shall appear and testify at the hearing. Said customer shall further have the right to have a record of the proceedings made at the customer's own expense.

B. The customer shall have the right to examine and copy, no less than three business days prior to such appeal hearing, all utility files and records pertaining directly to the dispute or utilized in any way in reaching the decision to disconnect water services.

C. The hearing shall be governed by the "Nebraska Rules of Evidence," which shall be interpreted without strict technical construction, it being the intention that all questions of interpretational rulings and subjective rulings shall be made in favor of the customer.

D. Upon commencement of the hearing, the customer shall have the right to make an opening statement if he or she desires, which shall be followed by an opening statement by the village clerk or designated agent, if so desired.

E. The customer shall first present his or her case as to why disconnection of the water service shall not be made and shall be limited in his or her presentation in time only if a gross abuse of the hearing privileges is taking place. The customer shall be entitled to testify on his or her behalf and if doing so, customer shall be subject to cross-examination by the village clerk or designated agent. All other witnesses called by the customer in his or her behalf shall also be subject to cross-examination by the village clerk or designated agent. The village chairman may also ask any questions of any witnesses within the scope of cross-examination.

F. After the customer has called all of his or her witnesses and presented any



other evidence, the village clerk or designated agent shall then present such testimony or other evidence deemed necessary. After each witness has testified on behalf of the village clerk, the customer shall have the right to cross-examine said witnesses.

G. Upon the conclusion of the village clerk's case, the customer shall have the right to present any rebuttal evidence he or she deems necessary; and upon conclusion of the customer's rebuttal evidence, the village clerk or designated agent shall have the right to present any rebuttal deemed necessary.

H. Upon conclusion of the presentation of all of the evidence, the customer shall have the right to make a closing statement, which shall be followed by the presentation of the closing statement, if any, by the village clerk or agent. Upon conclusion of the argument of the village clerk or agent, the customer shall have the right to make a rebuttal argument.

(Ord. No. 321, 8/6/02)

### **SECTION 7-109: DISCONNECTION; THIRD PARTY NOTICE PROCEDURES**

The following procedures are established for notice to third parties designated by customers of the village's utilities for notice of disconnection of water service:

A. Any customer may designate a third party to be given notice in the event the customer's water service is to be discontinued. Said designation shall be made on the appropriate form provided by the village for that purpose.

B. In the event any customer of the village's utilities who has designated a third party is being sent notice of a proposed disconnection of service, the same notice shall also be sent to the designated third party, who shall be placed in the position of the customer for the purpose of making payment on the bill, provisions for payment thereof, or requesting allowed conferences.

C. The designation of the third party shall remain in effect until the designation is revoked in writing by the customer.

(Ord. No. 321, 8/6/02)

### **SECTION 7-110: RECONNECTION FEES**

When water service has been disconnected for non-payment, a fee shall be charged for restoration of water service for the first time and a higher fee for the second and any subsequent reconnections, with the amount due prior to restoration of service. The said fees shall be set by the Village Board by resolution and placed on file in the office of the village clerk. (Neb. Rev. Stat. §17-537) (Ord. No. 304, 9/7/99) (Am. by Ord. No. 335, 1/3/06)

### **SECTION 7-111: LIEN**

In addition to all other remedies, if a customer shall for any reason remain indebted to

the village for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The village clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utility rent. It shall be the duty of the utilities superintendent on June 1 of each year to report to the Village Board a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §17-538, 17-925.01, 18-503) (Ord. No. 321, 8/6/02)

### **SECTION 7-112: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE**

A. Any person who connects any instrument, device, or contrivance with any pipe 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 the 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.

B. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or water passing through it without the knowledge and consent of the village shall be deemed guilty of an offense.

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 7-107 of this article, any person who reconnects such service without the knowledge and consent of the village shall be deemed guilty of an offense.

D. Proof of the existence of any pipe connection or reconnection or of any injury, alteration, or obstruction of a meter as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Neb. Rev. Stat. §25-21,275 through 25-21, 278, 28-515.02)

### **SECTION 7-113: DIVERSION OF SERVICES; PENALTY**

A. The village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts bypassing , tampering or unauthorized metering when such act results in damages to a village utility. The village may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unau-

thorized metering.

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

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

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

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

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

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

(Neb. Rev. Stat. §25-21,276, 25-21,277)



## Article 2 – Water Department

### SECTION 7-201: OPERATION AND FUNDING

The village owns the Water Department and operates the system through the City of Blair and the utilities superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund. The Village 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 section. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the village.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

### SECTION 7-203: MANDATORY HOOKUP; PRIVATE NON-VILLAGE WELLS

A. The village shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons within 300 feet of a water main shall be required, upon notice of the Village Board to hook up with the village water system.

B. 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 with permission from the Village Board, provided the entire cost of pipe and other installation charges shall be paid by such consumer.

C. Each building hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant or lessee shall neglect, fail or refuse within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the village to make such connection, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein. (Neb. Rev. Stat. §17-537)

#### **SECTION 7-204: SERVICE TO NON-RESIDENTS**

Service may be obtained outside of the corporate limits of the village if the individual desiring such service applies for said service on an individual basis and such application is approved by the Village Board. The meter for said service shall be located at the village limits and responsibility for the installation, repair and maintenance of all water pipe outside of the village limits shall be assumed by the customer served. All materials, installation and repair procedures shall be approved by the Village Board. The expense of and the materials for the installation of the meter and all water pipe and appurtenances necessary shall be paid by the consumer. All of said materials and appurtenances shall be conveyed without consideration to the village, in return for which the village will assume perpetual maintenance of the water pipe within the village limits. (Neb. Rev. Stat. §17-537, 19-2701) (Ord. No. 321, 8/6/02)

#### **SECTION 7-205: INSTALLATION; EXPENSE; TAP FEE**

A. Water connection fees have been established for water service inside the village limits, a fee for service outside the village and a fee for a hookup involving a new tap, which said fees shall apply to all connections to the village utility system. Such fees shall be set by the Village Board by resolution and placed on file in the office of the village clerk. (Ord. No. 335, 1/3/06)

B. The consumer shall employ a licensed plumber and pay the cost of installation and pipe from the main to the place of dispersement. The cost of the installation of the stop box, meter and corporation stop shall be paid by the consumer. The consumer shall purchase from the village the stop box, corporation stop and curb stop or shall before installation obtain approval of any such items not purchased from the village. The village will provide the meter, and such meter will remain property of the village. The customer will pay a tap fee in such sum as set by the Village Board and placed on file in the office of the village clerk. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. (Ord. No. 321, 8/6/02)

#### **SECTION 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**

Any pipe, solders or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be

lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)

### **SECTION 7-207: NEW DWELLINGS; REMOTE READOUTS**

All new dwelling units in the village applying for water service shall be required to obtain from the village and install remote readout devices. (Ord. No. 321, 8/6/02)

### **SECTION 7-208: REPAIRS AND MAINTENANCE**

A. Repairs to the service pipe and stop box shall be made by and at the expense of the consumer. Repairs to any supply pipe with a diameter of one and one-half inches or less and the main shall be made by the village. Repairs to any supply pipe with a diameter in excess of one and one-half inches shall be made by and at the expense of the consumer. (Ord. No. 335, 1/3/06)

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

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

(Neb. Rev. Stat. §17-537) (Am. by Ord. Nos. 321, 8/6/02; 335, 1/3/06)

### **SECTION 7-209: PLUMBERS; PERMIT; LIABILITY**

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the village water system or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipefitter shall have first procured a permit from the village. All plumbing shall be done in the manner required by the Village Board. The said licensed plumber shall be at all times subject to the inspection and approval of the

building inspector. It shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Neb. Rev. Stat. §17-537) (Ord. No. 335, 1/3/06)

### **SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE**

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

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 48 hours or more, the utilities superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

C. All installations or repairs of pipes require an inspection by the utilities superintendent. The inspection shall be made when connections or repairs are complete and before the pipes are covered. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for inspection.

(Neb. Rev. Stat. §17-537, 71-5301) (Ord. No. 321, 8/6/02)

### **SECTION 7-211: WATER RATES**

A. The Village Board has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such rates shall be on file for public inspection at the office of the village clerk. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §17-540, 17-542) (Ord. No. 321, 8/6/02)

B. A water service charge for the use of and for the service supplied by the water system of the village shall be assessed each customer, based upon a monthly rate and usage per thousand gallons.

C. Review of rates will be done annually to ensure that the village water system is a self-supporting system.

(Am. by Ord. Nos. 335, 1/3/06; 326, 11/4/03; 308, 10/5/99; 283, 12/3/96; 268, 6/2/92; 264, 8/7/90; 249, 10/1/85; 199, 9/7/76; 168, 7/2/74)

### **SECTION 7-212: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the village on the account of the Water Department and shall faithfully account for and pay to



the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-106 through 7-109. (Neb. Rev. Stat. §17-540)

### **SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION; CUSTOMER'S LIABILITY**

The utilities superintendent or his 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. Nothing in this section shall be construed as requiring the department to make the inspections or relieve the customer from any charges for water which may be occasioned by a leak or waste of water. (Neb. Rev. Stat. §17-537) (Ord. No. 321, 8/6/02)

### **SECTION 7-214: SINGLE PREMISES; MULTI-FAMILY DWELLINGS**

No consumer shall supply water to a separate premises or allow anyone to take water from his or her premises. Each dwelling unit contained in a multi-family dwelling (i.e. each apartment, each condominium, each townhouse, etc.) shall be required to have its own water meter and each separate individual dwelling unit shall have its own water contract with the village. (Neb. Rev. Stat. §17-537) (Ord. No. 321, 8/6/02)

### **SECTION 7-215: DESTRUCTION OF PROPERTY**

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

### **SECTION 7-216: FIRE HYDRANTS**

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

### **SECTION 7-217: 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) (Ord. No. 321, 8/6/02)

### **SECTION 7-218: FLUORIDE PROHIBITED**

No fluoride or fluoride compound shall be added to the water supply of the village. (Ord. No. 166, 6/4/74)

**SECTION 7-219: RESTRICTED USE**

The Village Board or the utilities superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought or other good and sufficient cause. The village shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the village has no control. (Neb. Rev. Stat. §17-537) (Ord. No. 321, 8/6/02)

**SECTION 7-220: BACKFLOW PREVENTION DEVICES**

A. A customer of the Water Department may be required by the utilities superintendent to install and maintain a properly located backflow prevention device at his or her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the utilities superintendent. The Village Board shall require the application based on his opinion of whether such installation will protect the village water distribution system from potential backflow and backsiphonage hazards.

B. A properly located backflow prevention device shall be installed at the time any new meter is installed or at the time any existing meter is replaced.

C. At least one time every five years, customers of the municipal water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the village on a form supplied by the village to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Village Board.

(Ord. No. 298, 11/3/98) (Am. by Ord. No. 321, 8/6/02)

**SECTION 7-221: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM VILLAGE WATER SOURCES**

A. 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 minerals or other products mined or quarried or inserting media to repressure oil or natural gas bearing formations.

B. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts or events within the specified footage of any village public water supply well. The following facilities, acts or events shall be defined as nuisances for purposes of this subsection:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

C. 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 approved by the Village Board has been obtained.

D. The Village Board may consider a replacement of water wells, as defined by the Nebraska regulations governing public water supply systems (Title 179, NAC2) and Nebraska regulations governing water well construction, pump installation and water well abandonment standards (Title 178 NAC12), as amended from time to time, closer to a municipal water well than the limitations set forth in subsection (B) 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 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, as above defined, the Village Board must act to prevent all sources of possible or likely water contamination.

E. If the Village Board approves the installation, it shall submit the application, together with the engineer's report, to the State Department of Health for final approval or denial.

F. No installation shall be made without the approval of both the Village Board and the State Department of Health.  
(Ord. No. 297, 11/3/98)

## Article 3 – Sewer Department

### SECTION 7-301: OPERATION AND FUNDING

The village owns the Sewer Department and operates the system through the City of Blair and the utilities superintendent. The Village Board, for the purpose of defraying the cost of the management and maintenance of the department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the sewer maintenance fund. The Village 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. §17-925.01)

### SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES**

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

B. It shall be unlawful to discharge to any natural outlet within the village, within two miles of the corporate limits thereof or in any area under its jurisdiction any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

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

D. 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 polluted industrial process waters into the sanitary sewer.

E. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever. In addition to the other remedies that are provided by this chapter for violations of this code, the village shall have the right to secure the abatement of any connection or discharging violation of this section.

### **SECTION 7-304: MANDATORY HOOKUP**

A. The owner of any house, building, or property used for human employment, recreation, or other purposes, situated within the village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the village, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The village may furnish sewer service to persons within its corporate limits

whose property line is not within 300 feet of the said public sewer with permission from the Village Board, provided the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the village to provide sewer service to persons whose property line is not within 100 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 30 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

#### **SECTION 7-305: SERVICE TO NON-RESIDENTS**

The department shall not supply sewer service to any person 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 consumer. Nothing herein shall be construed to obligate the village to provide sewer service to non-residents. (Neb. Rev. Stat. §19-2701)

#### **SECTION 7-306: INSTALLATION EXPENSE**

The utilities superintendent in his discretion may direct the customer to hire a plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as any services of a plumber and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

#### **SECTION 7-307: REPAIRS AND MAINTENANCE**

A. The village shall repair or replace 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 utilities superintendent provided the same have been previously approved by the Village Board.

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utilities superintendent shall complete the work and charge the cost of such repairs or replacement to the customer. (Neb. Rev. Stat. §18-1748)

**SECTION 7-308: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining permission from the utilities superintendent.

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

C. 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.

D. 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 utilities superintendent 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.

(Neb. Rev. Stat. §18-503)

**SECTION 7-309: DIRECT CONNECTION; SPECIFIC CONDITIONS**

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer but the village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

**SECTION 7-310: FEE STRUCTURE; CLASSIFICATION**

For the purpose of rental fees, the Village Board may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Neb. Rev. Stat. §17-925.02)



**SECTION 7-311: SEWER RATES**

The Village Board has the power and authority to fix the rates to be paid by the sewer customers for the use of sewer service. All such rates shall be on file for public inspection at the office of the village clerk. All sewer customers shall be liable for the minimum rate provided by ordinance.

**SECTION 7-312: BILLING AND COLLECTIONS**

The village clerk shall bill the consumers and collect all money received by the village on the account of the Sewer Department and shall faithfully account for and pay to the village treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-106 through 7-109. (Neb. Rev. Stat. §17-540)

**SECTION 7-313: MANHOLES**

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

**SECTION 7-314: DESTRUCTION OF PROPERTY**

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

**SECTION 7-315: DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED WATERS**

A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, exterior or interior foundation drainage or sub-surface drainage to any sanitary sewer. Uncontaminated cooling water or heating water and unpolluted industrial process waters may be discharged to a sanitary sewer only if expressly authorized by the water commissioner.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the village for such costs. The costs shall be determined by the superintendent.

**SECTION 7-316: HAZARDOUS DISCHARGES; PRETREATMENT**

Specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 CFR, Part 403.

## **Article 4 – Solid Waste**

### **SECTION 7-401: DISPOSAL; DEFINITION**

A. All garbage and solid waste generated and derived within the village limits shall be deposited and disposed of at the Douglas County landfill located near Elk City, Nebraska. It shall be unlawful for any person to dispose or dump garbage or solid waste at any other place or site other than said Douglas County landfill.

B. For the purpose of this section, “solid waste” shall have the same meaning as set forth in Neb. Rev. Stat. §13-204 as adopted by reference from Neb. Rev. Stat. §81-1502(26) and shall further include but not be limited to yard waste, garbage, trash, rubbish, and junk as set forth in Neb. Rev. Stat. §81-1502 et seq.  
(Ord. No. 274, 9/29/93)

### **SECTION 7-402: COMMERCIAL COLLECTION; LICENSE**

It shall be unlawful for any person for hire or other consideration to collect, transport, or dispose of any garbage or solid waste, as defined in Section 7-401, generated or derived within the village limits without a license or other authority from the village.  
(Ord. No. 274, 9/29/93)

### **SECTION 7-403: OWNER’S RESPONSIBILITY**

It shall be unlawful for any person to keep garbage, trash or waste or any kind that may be injurious to the public health or offensive to the residents of the village in, on, or about any dwelling, building, or premises or any other place in the village unless the same is kept in approved receptacles awaiting collection and disposal. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, yard waste, garbage, trash or waste of any kind. No person may permit yard waste, garbage, trash or waste to accumulate and all persons shall properly dispose of the same within 24 hours after notification from the chairman of the Village Board.

### **SECTION 7-404: MANDATORY COLLECTION; FEES**

All garbage, trash and waste generated by the residents of the village shall be collected for disposal by a contract vendor, which shall collect all garbage, trash and waste from the approved receptacles at each collection stop. A collection fee shall be charged by the contract vendor for each customer.

### **SECTION 7-405: DEAD ANIMALS**

All dead animals shall be removed and buried, or otherwise disposed of in a manner that will not endanger the health of any resident of the village, by the owners of the animals within 12 hours after death occurs. If the owner of any such animal does not take appropriate measures within the required time, the village may dispose of the

animal at the direction of the chairman of the Board of Health, in which case the owner shall be liable for the costs of removal and disposal. When disposal is accomplished by burying, the animal shall be buried at least 2 feet deep. It shall be unlawful for a dead animal to be placed in an approved receptacle or disposed of in the village landfill.

## **Article 5 – Penal Provision**

### **SECTION 7-501: 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.