

CHAPTER 6 – PUBLIC UTILITIES

ARTICLE 1 – UTILITY DEPOSIT, BILLING AND COLLECTION

- SECTION 6-101: DEPOSIT**
- SECTION 6-102: BILLING**
- SECTION 6-103: LIEN**
- SECTION 6-104: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

ARTICLE 2 – SEWER DEPARTMENT

- SECTION 6-201: OPERATION AND FUNDING**
- SECTION 6-202: DEFINITIONS**
- SECTION 6-203: CLASSIFICATION OF CUSTOMERS**
- SECTION 6-204: RATE SETTING**
- SECTION 6-205: SEWER USE FEES**
- SECTION 6-206: USER CHARGE; SYSTEM REVENUES**
- SECTION 6-207: USER CHARGE; OPERATION AND MAINTENANCE FUND**
- SECTION 6-208: USER CHARGE; CARRYOVER ACCOUNT BALANCES**
- SECTION 6-209: USER CHARGE; CLASSES OF USERS AND RATES**
- SECTION 6-210: USER CHARGE; INCREASED COSTS TO BE PAID BY USER**
- SECTION 6-211: USER CHARGE; RATES APPLICABLE TO ALL USERS**
- SECTION 6-212: USER CHARGE; BIENNIAL REVIEW**
- SECTION 6-213: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES; MANDATORY HOOKUP**
- SECTION 6-214: INSTALLATION; PERMITS AND FEES**
- SECTION 6-215: INSTALLATION EXPENSE**
- SECTION 6-216: DIRECT CONNECTION; SPECIFIC CONDITIONS**
- SECTION 6-217: ADOPTION OF PLUMBING CODE**
- SECTION 6-218: LICENSED PLUMBER; LIABILITY**
- SECTION 6-219: CONSTRUCTION CODES**
- SECTION 6-220: EXCAVATION**
- SECTION 6-221: DISCHARGE OF WATERS; PROHIBITED**
- SECTION 6-222: REPAIRS AND MAINTENANCE**
- SECTION 6-223: PROTECTION FROM DAMAGE**
- SECTION 6-224: PRIVATE SEWAGE DISPOSAL**
- SECTION 6-225: HAZARDOUS DISCHARGES; PROHIBITED SUBSTANCES**
- SECTION 6-226: HAZARDOUS DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY COMMISSIONER**
- SECTION 6-227: HAZARDOUS DISCHARGES; OPTIONS**
- SECTION 6-228: HAZARDOUS DISCHARGES; PRELIMINARY TREATMENT**
- SECTION 6-229: HAZARDOUS DISCHARGES; INTERCEPTORS**

**SECTION 6-230: HAZARDOUS DISCHARGES; CONTROL MANHOLE/
SAMPLING STATIONS; WHEN REQUIRED;
INSTALLATION AND MAINTENANCE**

SECTION 6-231: HAZARDOUS DISCHARGES; EXAMINATION OF WASTE

**SECTION 6-232: HAZARDOUS DISCHARGES; INDUSTRIAL WASTE
VARIANCE**

SECTION 6-233: HAZARDOUS DISCHARGES; INSPECTIONS; LIABILITY

**SECTION 6-234: HAZARDOUS DISCHARGES; VIOLATIONS; PENALTY;
LIABILITY**

ARTICLE 3 – PENAL PROVISION

SECTION 6-301: VIOLATION; PENALTY

CHAPTER 6 – PUBLIC UTILITIES

Article 1 – Utility Deposit, Billing and Collection

SECTION 6-101: DEPOSIT

It shall be the duty of the users of the village sewer system to deposit an amount set by resolution of the Board of Trustees, a copy of which shall be on file in the office of the village clerk, as a utility deposit with the village clerk for the privilege of commencing the use of the village sewer system. The deposit will be held by the Village for the purpose of insuring the Village against loss or damage.

SECTION 6-102: BILLING

The Village will send or contract for the sending of a statement monthly to each consumer listing the various charges for the use of sewer and electricity of the Village. Bills shall be due on the 5th day of each month and shall be payable by the 15th of each month. Bills paid after the 15th day of each month shall have a penalty charge added thereto in an amount set by resolution of the Board of Trustees, on file at the office of the village clerk. Bills not paid by the 15th of each month shall be deemed delinquent. Upon being deemed to be delinquent as herein defined, the village clerk shall give a written notice to the consumer of such delinquency and shall demand payment immediately on or about the end of the billing month. In the event that the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the commissioner to cut off service at any time. (Neb. Rev. Stat. §19-2701)

SECTION 6-103: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the Village for any one or more sewer services furnished, such amount due is hereby declared to be a lien upon the real estate for which the same was used. The village clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants are 60 days or more delinquent in the payment of sewer service. It shall be the duty of the village clerk on the first day of June of each year to report to the Board of Trustees a list of all unpaid accounts due for sewer service, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the Board of Trustees, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law.

SECTION 6-104: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. No village utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination. As to any subscriber who has previously been identified to

the utility as a client by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the HHS.

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

Article 2 – Sewer Department

SECTION 6-201: OPERATION AND FUNDING

The Village owns the sewer system and operates the same through the sewer commissioner, who shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. The commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the Village Board. 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. (Neb. Rev. Stat. §17-925.01)

SECTION 6-202: DEFINITIONS

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

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

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

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

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

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

“Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

“Operation and maintenance” shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

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

“Public sewer” shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. “Operation and maintenance” includes replacement.

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

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

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

“Sewage works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

“Sewer” shall mean a pipe or conduit for carrying sewage.

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

“Storm drain” or “storm sewer” shall mean and include a sewer which carries storm and surface drainage but shall exclude sewage and polluted industrial wastes.

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

“Treatment works” shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof;

elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

“Useful life” shall mean the estimated period during which any treatment works will be operated.

“User charge” shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

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

SECTION 6-203: CLASSIFICATION OF CUSTOMERS

The Village Board may classify the customers of the Sewer Department for the purpose of sewer use fees, 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 6-204: RATE SETTING

The various classes of consumers of the 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 6-205: SEWER USE FEES

The sewer commissioner shall direct the village clerk to charge and collect from each consumer for sewer use, together with other utility statements as provided in Section 6-101. Sewer use fees shall be due and payable at the village office. (Neb. Rev. Stat. §17-925.01)

SECTION 6-206: USER CHARGE; SYSTEM REVENUES

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the Village may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and mainten-

ance, including replacement of the treatment works, shall be established as set forth hereafter.

SECTION 6-207: USER CHARGE; OPERATION AND MAINTENANCE FUND

That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes, as established in Section 6-206, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

A. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).

B. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made at least annually from the operation, maintenance and replacement revenue in the amount of \$1,000.00 annually.

SECTION 6-208: USER CHARGE; CARRYOVER ACCOUNT BALANCES

Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

SECTION 6-209: USER CHARGE; CLASSES OF USERS AND RATES

The following classes of users and charges to those users are hereby established:

Class I. Residential Users and Light Commercial:

\$5.35/month for operation and maintenance, including replacement.
\$3.00/month for debt service.

SECTION 6-210: USER CHARGE; INCREASED COSTS TO BE PAID BY USER

Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the Village's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of

the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the responsible plant operating personnel and approved by the Board of Trustees.

SECTION 6-211: USER CHARGE; RATES APPLICABLE TO ALL USERS

The user charge rates established in this article apply to all users, regardless of their location, of the Village's treatment works.

SECTION 6-212: USER CHARGE; BIENNIAL REVIEW

The Village will review the user charge system at the end of one year from the effective date thereof, and at least every two years thereafter, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

SECTION 6-213: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES; MANDATORY HOOKUP

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

B. It shall be unlawful to discharge to any natural outlet within the Village 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, septic tank, cesspool or other facility intended or used for the disposal of sewage. The owners of any houses, buildings or other facilities used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 150 feet of the property line.

SECTION 6-214: INSTALLATION; PERMITS AND FEES

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 a written permit from the sewer commissioner. There shall be two classes of building sewer permits: (A) for residential and commercial service and (B) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plan specifications or other information considered pertinent in the judgment of the commissioner. A permit and inspection fee as set by the Village Board for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the village clerk at the time the application is filed. The fee for a residential or commercial sewer permit shall be \$50.00.

SECTION 6-215: INSTALLATION EXPENSE

The consumer, upon approval of his or her application for sewer service, shall pay to the sewer commissioner a tap fee which shall compensate the Village for the expense of processing the said application. The sewer commissioner, in his discretion, may direct the consumer to hire a plumber to tap the main. The consumer shall then be required to pay the expense of procuring the materials required as well as the services of a plumber and all other costs of installation. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 6-216: DIRECT CONNECTION; SPECIFIC CONDITIONS

A separate and independent building sewer shall be provided for every building. Except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, 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.

SECTION 6-217: ADOPTION OF PLUMBING CODE

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

SECTION 6-218: LICENSED PLUMBER; LIABILITY

A. It shall be unlawful for any person, firm or corporation to engage in or con-

duct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without having a current plumber's license issued by the Village pursuant to Section 4-106 and complying with the rules and regulations of the commissioner; provided, nothing herein shall be construed to apply to a person, firm or corporation under special contract with the Village for the construction, extension or repair of the village sewer system.

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

SECTION 6-219: CONSTRUCTION CODES

A. The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drains shall be lifted by an approved means and discharged to the building sewer.

B. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the sewer commissioner before installation. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the commissioner to meet all requirements of this code. The applicant for the building sewer permit shall notify the commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commissioner or his representative.

SECTION 6-220: EXCAVATION

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 any 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 sewer commissioner shall have the duty to finish

or correct the work and all expenses so incurred shall be charged to the owner, occupant or lessee of the property. All installations of any building sewer require an inspection by the commissioner, the building inspector or a competent plumber when the connections are completed and before the building sewer is covered. It is the customer's responsibility to notify the commissioner at the time the work is ready for inspection. All installation shall be done under supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Village Board.

SECTION 6-221: DISCHARGE OF WATERS; PROHIBITED

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

SECTION 6-222: 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 consumer to repair or replace all other sewer pipe and appurtenances from the main to and including the consumer's property. All replacements and repairs made by the consumer shall be done in the manner and with the materials approved by the sewer commissioner, provided that the same have been previously approved by the Board of Trustees.

SECTION 6-223: PROTECTION FROM DAMAGE

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

SECTION 6-224: PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions of Section 6-203, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the sewer commissioner. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other informa-

tion as is deemed necessary by the commissioner.

C. A permit and inspection fee as set by the Village Board shall be paid to the village clerk at the time the application is filed. Such fee is hereby established in the amount of \$25.00 and may be amended from time to time by the Village Board. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the commissioner. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the commissioner when the work is ready for final inspection, before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the commissioner.

D. The type, capacities, location and layout of the private sewage disposal system shall comply with all recommendations and/or rules and regulations of the Department of Health and the Department of Environmental Quality of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 100,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the village health officer. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SECTION 6-225: HAZARDOUS DISCHARGES; PROHIBITED SUBSTANCES

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

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, but not limited to cyanides in excess of two mg/l as CN in the

wastes as discharged to the public sewer.

C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage facilities such as but not limited to ashes, cinders, sand, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 6-226: HAZARDOUS DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY COMMISSIONER

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

A. Any liquid or vapor having a temperature higher than 150° F (65° C).

B. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F (0° and 65° C).

C. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the commissioner.

D. Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

E. Waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the commissioner for such materials.

F. Waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the commissioner as necessary, after treatment of composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

G. Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with applicable state or federal regulations.

H. Waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

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

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

K. Any waters or wastes (1) having five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2% of the average sewage flow of the Village shall be subject to the review of the commissioner.

SECTION 6-227: HAZARDOUS DISCHARGES; OPTIONS

If any wastes or waters are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics which in the judgment of the sewer commissioner may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, he may:

A. Reject the wastes;

B. Require pretreatment to an acceptable condition for discharge to the public sewer;

C. Require control over the quantities and rates of discharge; and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

SECTION 6-228: HAZARDOUS DISCHARGES; PRELIMINARY TREATMENT

A. Where necessary in the opinion of the sewer commissioner, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

1. Reduce the BOD to 300 parts per million by weight, or
2. Reduce the suspended solids to 350 parts per million by weight, or
3. Control the quantities and rates of discharge of such waters or wastes, or
4. Reduce the chlorine requirement to conform with normal sewage.

B. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the commissioner, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

SECTION 6-229: HAZARDOUS DISCHARGES; INTERCEPTORS

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

SECTION 6-230: HAZARDOUS DISCHARGES; CONTROL MANHOLE/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the sewer commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the sewer commissioner. The manhole shall be installed by the owner at his or her expense and shall be maintained so as to be safe

and accessible at all times by the commissioner or his representative.

SECTION 6-231: HAZARDOUS DISCHARGES; EXAMINATION OF WASTE

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

SECTION 6-232: HAZARDOUS DISCHARGES; INDUSTRIAL WASTE VARIANCE

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the industrial concern.

SECTION 6-233: HAZARDOUS DISCHARGES; INSPECTIONS; LIABILITY

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

B. While performing the necessary work on private properties, the commissioner or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company. The said company shall be held harmless for injury or death to village employees and the village shall indemnify the company against loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the company arising out of the gauging and sampling operations, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

**SECTION 6-234: HAZARDOUS DISCHARGES; VIOLATIONS; PENALTY;
LIABILITY**

Any person found to be violating any provision of the hazardous discharges regulations, Sections 6-225 through 6-233, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined as provided in Article 3 of this chapter. Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

Article 3 – Penal Provision

SECTION 6-301: VIOLATION; PENALTY

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

B. Whenever a nuisance exists as defined by this chapter, the Village may proceed in a suit in equity to enjoin, abate and remove the same, temporarily and permanently, in the manner provided by law.

C. Whenever in any action it is established that a nuisance exists, the Court may, together with a fine or penalty, enter an order of abatement of the nuisance as part of the judgment in the case.

(Am. by Ord. No. 1-13-03-4, 1/13/03)