

## Departments

### Article 3. Utilities Generally

**§3-301 UTILITIES GENERALLY: FEES AND COLLECTIONS.** The Governing Body has the power and authority to fix the rates to be paid by the customers of the Sewer and Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Utilities Superintendent shall send the bills out on the first (1st) day of each month. The Municipal Clerk shall have the duty of collecting the fees of the customers on the tenth (10) day of each month, which shall be the due date. If a customer shall for any reason order the service discontinued or shall vacate the premise, the amount due under the terms of this Article, together with any fees and charges in arrears, shall be considered as a delinquent water and/or sewer rental which is hereby declared to be a lien upon the premise or real estate for which or from which the sewer was used or supplied, and upon the refusal of the customer to pay the said delinquent water and/or sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection. Charges shall be delinquent on the twentieth day of each month or ten (10) days after the due date. Upon being deemed delinquent, there shall be assessed a delinquency fee of five (\$5.00) dollars. Said delinquent bill shall be subject to the discontinuance procedure set out in Section 3-302.

**§3-302 UTILITIES GENERALLY: DISCONTINUANCE OF SERVICE. NOTICE PROCEDURE.** No Municipal 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 (7) days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services. Prior to the discontinuance of service to any domestic subscriber by a Municipal Utility, the domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. The Board of Trustees has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three (3) 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. (Ref. 19-2716, 19-2717 RS Neb.)

**§3-303 UTILITIES GENERALLY: DIVERSION OF SERVICES: PENALTY.** The Municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a Municipal Utility. A Municipality 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 unauthorized metering. In any civil action brought pursuant to this Section, the Municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

- A. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or
- B. Liquidated damages of (i) until July 1, 1985, five hundred (\$500.00) dollars and (ii) on July 1, 1985, and thereafter, seven hundred fifty (\$750.00) dollars if the amount of actual damage or loss is not susceptible of reasonable calculation.

In addition to damage or loss under subdivision A or B of this Section the Municipality 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 attorneys' fees in cases within the scope of Section 25-1801 Reissue Revised Statutes of Nebraska 1943.

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 (a) 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 (b) 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.

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.

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. (Ref. 86-33101 thru 86-331.04 RS Neb.)

**SECTION 3-304: UTILITIES GENERALLY: RATES.** The following is established as a tariff of water rates for residential consumers of water from 'the water works system of the Village, based on a monthly rate. For resident users, a minimum charge of \$15.00 per month shall be charged for the first 2,000 gallons of water used. For all water used in

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excess of the first 2,000 gallons, a charge of \$135 for each successive 1,000 gallons used is hereby established. A minimum charge of \$15.00 per month is established for all users using less than 2,000 gallons of water a month.

For individuals and entities using water directly from the water tower (water drop), the rate shall be \$15.00 for the first 1000 gallons and \$2.00 for each additional 1000 gallons per month. Customers of the Village Sewer Department shall be charged for the use of the Village Sewer System a flat user fee of \$27. 70 per month.

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