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CHAPTER 7 – UTILITIES

Article 1 – Water Department

SECTION 7-101: OPERATION AND FUNDING

The City owns and operates the Water Department through the water superintendent. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water 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 and shall remain in the custody of the city treasurer. The water superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of the office. The water superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the mayor, city administrator and City Council. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-102: DEFINITIONS

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

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

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or 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 7-103: MANDATORY HOOKUP

All persons within 300 feet of a water main shall be required, upon notice by the City Council, to hook up with the city water system. (Neb. Rev. Stat. §17-539)

SECTION 7-104: CONSUMER'S APPLICATION; DEPOSIT

Every person desiring a supply of water must make application to the water superintendent. Every application must be accompanied by a service deposit which may be returned to the applicant after three years if all water bills are continuously and promptly paid. Such deposit shall be set by the City Council and filed in the office of

the city clerk for public inspection. Once an application for water service has been received and approved by the water superintendent and the necessary service deposit has been submitted, water service may be supplied to the applicant upon written order of the superintendent. The department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the City to provide water service to nonresidents. (Am. by Ord. Nos. 1071, 1/7/81; 1366, 12/6/95; 1483, 4/13/05)

SECTION 7-105: WATER CONTRACT; NOT TRANSFERABLE

A. The City through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The City may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid. The rules, regulations, and water rates hereinafter named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the water superintendent or agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service is made save or except by order of said superintendent or agent. (Am. by Ord. No. 1088, 8/5/81)

B. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, the water superintendent shall be informed at once and shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the water superintendent is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-537)

SECTION 7-106: INSTALLATION PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights. The refilling of all trenches shall be done in uniform layers not exceeding 9 inches and thoroughly tamped so as to replace all excavated material and leave

the surface in as good condition as found before the commencement of the work. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the water superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

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

(Neb. Rev. Stat. §17-537)

SECTION 7-107: PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX

Unless the Plumbing Code provides more restrictive requirements, the said code shall be deemed to require compliance with the requirements of this section. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility, which is connected, to the public water supply system shall be lead free. For purposes of this section, "lead-free" shall mean (A) solders and flux – not more than .2% lead, and (B) pipe and pipe fittings – not more than 8% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 1233, 6/1/88)

SECTION 7-108: SERVICE PIPE

A. All pipe of one inch or less in diameter between the corporation cock and the meter must be copper and must be of sufficient strength to resist the maximum water pressure. Larger pipe must be of a type and quality approved by the water superintendent. Without a special permit from the water superintendent, all service pipes must be laid as much under ground as the main pipe in the street and in all cases be so protected as to prevent ruptures by freezing. Unless otherwise permitted, curb stop cocks shall be placed in the service pipe at the edge of the sidewalk nearest the curb line, and be protected by a box or iron pipe to admit a stop key for turning the stop on and off and also with a cast iron cover having the letter "W" marked thereon, visible and even with the surface.

B. When one service pipe supplies two or more distinct premises or tenements there shall be provided, subject to the control of the water superintendent, a separate stop for each of such tenements or premises so that the water supply may be shut off from one without interfering with the supply of the other. Not more than one residence or place of business shall be supplied from one tap or meter, except by special permission of the water superintendent and upon payment of the charges provided for in Section 7-109 below. However, in no event shall properties owned by different per-

sons be served from one meter.

SECTION 7-109: TAPPING THE CITY MAIN

No person except the water superintendent, or a person authorized by him/her, shall tap the city water main or insert stop cocks or ferrules therein. All taps shall be made on top of the water main and in no case nearer than four feet to any other tap. Before tapping any water main, the consumer must pay to the water superintendent a tap fee based on the size of the service line, which fee shall be set by the City Council and filed in the office of the city clerk for public inspection. Service line over 3 inches will be considered a cut in the main with a street box, gate valve and a tee installed, which tapping fee shall then be given to the city treasurer for credit to the City Water Fund. (Am. by Ord. No. 1030, 1/3/79)

SECTION 7-110: WATER METERS

All service pipes connected with the city water system shall have placed thereon a water meter of a type prescribed, furnished, and installed by the City. No person other than the water superintendent or assistants shall be allowed to set water meters. All meters shall be set in horizontal position so that they can be easily read, whether set in a meter pit or a basement. If a meter is installed in a meter pit, the pit shall first be approved by the water superintendent.

SECTION 7-111: INSTALLATION EXPENSE

The expense of tapping the main, as well as the cost of the corporate cock, shall be paid by the consumer. The said consumer shall also pay the expense of installing the curb stop and shall reimburse the City for its cost. The curb stop shall be supplied by the City and the meter shall be installed and supplied by the City. All other expenses shall be paid by the consumer, including the expense of procuring the service of a licensed plumber and the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the main to the place of dispersing. All materials and fittings shall be approved by the water superintendent. (Neb. Rev. Stat. §17-542)

SECTION 7-112: RATES AND SURCHARGES

A. The City has the power and authority to fix the rates to be paid by water consumers for the use of water from the Water Department. All such charges shall be set by the City Council by ordinance and placed on file for public inspection at the office of the city clerk, who shall bill the consumers and collect all money received by the City on the account of the Water Department. He/she shall faithfully account for and pay to the city treasurer all revenue collected, making the receipt therefor in duplicate, filing one with the city clerk and keeping the other on file in the Water Department's official records. (Neb. Rev. Stat. §17-540)

B. All water consumers shall be liable for the rates provided by ordinance un-

less and until the consumer shall, by written order, direct the water superintendent to shut off the water at the stop box, in which case such consumer shall not be liable thereafter for water rental until the water is turned on again. If more than one residence or place of business is served by one meter, each residence or place of business shall pay the monthly charge and each residence or place of business shall be jointly and severally liable for the actual water usage for any month. In the case of several tenants in one building or in a tourist camp, motor court, or trailer court, one meter may be provided for such building, tourist camp, motor court or trailer court and the rate applicable to a single consumer shall be charged regardless of the number of tenants and the owner of the premises shall be billed for the water fees due.

C. Along with the basic rates, an additional service charge per meter in service shall be imposed. Such service charge shall be set by the City Council and placed on file for public inspection at the office of the city clerk. The revenues generated from the said service charge shall be used exclusively for the expenses imposed upon the City regarding repairs to any supply pipe, shut-off, stop box or curb cock.

D. There is hereby levied a water testing and cross-connection compliance surcharge per meter in service. Such surcharge shall be set by the City Council and placed on file for public inspection at the office of the city clerk. Revenue generated from the water testing and cross-connection compliance surcharge shall be used exclusively for water testing and cross-connection compliance mandated by the State and the U.S. government and for all other testing deemed necessary for the safe operation of the Water Department. The water testing and cross-connection compliance surcharge shall be considered part of the water rate of the City and failure to pay the surcharge shall be treated the same as other delinquent water rents. (Ord. No. 1361, 7/12/95)

SECTION 7-113: WATER AND WASTE COLLECTION BILLS

The water superintendent shall read, or cause to be read, water meters monthly. Water usage and waste collection service bills shall be combined and shall be due and payable monthly at the office of the city clerk. Bills shall be mailed by the city clerk by the last day of each month. If a water and waste collection bill is not paid within ten days of said billing, the unpaid bill shall be considered delinquent. (Am. by Ord. Nos. 1043, 8/1/79; 1071, 1/7/81; 1205, 9/3/86; 2214, 4/1/87; 1361, 7/12/95)

SECTION 7-114: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for water service furnished and/or water testing and cross-connection compliance surcharge, such amount due, together with any delinquent rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The city clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the water superintendent on June 1 every year to report to

the City Council a list of all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the City Council shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Am. by Ord. No. 1361, 7/12/95)

SECTION 7-115: COMPLAINTS

Any consumer feeling aggrieved by reason of any controversy with the water superintendent may appear before the City Council and present the grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present the verified claim in the manner provided for presenting claims to the City Council for a refund of the amount so paid under protest. Such claims shall then be considered by the Council in the same manner as other claims against the City.

SECTION 7-116: RESTRICTED USE

The City Council or the water 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 or other good and sufficient cause. The City 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 City has no control. (Neb. Rev. Stat. §27-537)

SECTION 7-117: REPAIRS

A. Repairs to the service pipe shall be made at the expense of the customer. Repairs to the main, supply pipe, shut-off box, curb cock, or water meter shall be made by the City, provided that if a customer permits or allows a water meter to be damaged or destroyed through his/her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced or neglects or refuses to make necessary repairs to any service pipe, the water superintendent shall bill and collect from the customer the cost of such meter repair or replacement or service pipe 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. If excavation is necessary to effect any repairs, then the party responsible for making the repairs shall pay all expenses in connection with excavation, fill and placing the property back to grade, including resurfacing of any streets.

B. All meters shall be tested at the customer's request and 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 City. The City reserves the right to test any water service meter at any time and if said meter is found

to be beyond repair the City shall always have the right to place a new meter on the customer's water service fixtures at city 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 quarterly consumption during the same quarter 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 water superintendent. (Neb. Rev. Stat. §17-542) (Am. by Ord. Nos. 1191, 2/5/86; 1379, 6/12/96; 1389, 5/13/97)

SECTION 7-118: INSPECTIONS

A. The water superintendent or duly authorized agents shall have free access between the hours of 7:00 A.M. and 6:00 P.M. to all parts of each premises and building to or in which water is delivered, for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

B. All plumbing shall be done in the manner required by the water superintendent. The work of any plumber or pipefitter upon any of the pipes or appurtenances of the system of waterworks shall be at all times subject to the inspection and approval of the water superintendent and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Am. by Ord. No. 1191, 2/5/86)

SECTION 7-119: POLICE REPORTS

It shall be the duty of the city police to report to the water superintendent all cases of leakage and waste in the use of water and all violations of the city code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

SECTION 7-120: 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 water superintendent.

SECTION 7-121: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Neb. Rev. Stat. §17-536)

SECTION 7-122: PRIVATE WATER WELLS; DEFINITIONS

For the purposes of Sections 7-123 through 7-125 of this code, the following definitions shall be used:

“Abandoned water well” means any water well the use of which has been accomplished or permanently discontinued.

“Construction of water wells” means all acts necessary to make a water well usable for the purpose for which it is intended including, without limitation, the siting of an excavation for the water well and its construction, alteration, or repair.

“Decommissioned” means the act of filling, sealing, and plugging a water well.

“Person” means any individual, partnership, limited liability company, association, public or private corporation, trustee, receiver, assignee, agent, or other legal entity.

“Pump installation contractor” means the principal officer, director, manager or owner-operator of any business engaged in the installation of pumps and pumping equipment.

“Pump installation supervisor” means any individual engaged in the installation of pumps and pumping equipment. Such supervisor may have discretionary and supervisory authority over other employees of a pump installation contractor.

“Pumps and pumping equipment” means any equipment and material utilized or intended for use in withdrawing or obtaining ground water including but not limited to seals, tanks, fittings, and controls.

“Water well” means 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, obtaining hydrogeologic information, or extracting water from or injecting water into the underground reservoir.

“Water well contractor” means the principal officer, director, manager or owner-operator of any business engaged in the construction of water wells.

“Water well drilling supervisor” means any individual engaged in the construction of water wells. Such supervisor may have discretionary and supervisory authority over other employees of a contractor engaged in the construction of water wells.

“Well repairs” means any change, replacement, or other alteration of any water well, pump or pumping equipment or any other activity which requires a breaking or opening of the well seal.

“Well seal” means an arrangement or device used to cap a water well or to establish and maintain a junction between the casing or curbing of a water well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the water well.

(Ord. No. 1442, 9/13/00)

SECTION 7-123: PRIVATE WATER WELLS; APPLICATION; WHEN PROHIBITED

A. It shall be unlawful for any person, whether the owner, tenant, contractor or otherwise, to drill, construct or replace a private water well for any purpose within the corporate limits of the City or within one mile of said corporate limits except upon application to and grant of permission from the City Council. All applications shall be submitted to the city clerk and shall include, at a minimum, the location of the proposed well, the contemplated purpose for the well and the name, and licensing number or certification number of the pump installation contractor, supervisor, well contractor, or well drilling supervisor. A hearing on the application shall be held at the next regular City Council meeting. The Council, before granting permission for the drilling, construction, repair or replacement of a private well, must find and determine the existence of the following facts and conditions: That the contemplated purpose for the well cannot be satisfied by use of the city water supply system; and that granting permission will not be contrary to or substantially detrimental to the public safety, good, welfare or interest.

B. Those wells existing and operating upon the effective date of this section shall not be affected by this section except as to their repair or replacement and their use may continue subject to the conditions and restrictions, if any, imposed by the original grant for construction.

(Ord. Nos. 1440, 5/31/00; 1442, 9/13/00)

SECTION 7-124: PRIVATE WATER WELLS; LICENSING, CERTIFICATION

Only those persons licensed or certified pursuant to the Water Well Standards and Contractors Licensing Act (Neb. Rev. Stat. §46-1201 to §46-1241) as a pump installation contractor, pump installation supervisor, water well contractor, or water well drilling supervisor shall be authorized to drill, construct, repair or replace a private water well within the corporate limits of the City or within one mile of said corporate limits. (Ord. No. 1442, 9/13/00)

SECTION 7-125: PRIVATE WATER WELLS; ABANDONMENT; DECOMMISSIONING

Any abandoned private water well located within the corporate limits of the City or within one mile of said corporate limits shall be decommissioned in accordance with the rules and regulations of the Department of Health and Human Services Regulation and Licensure. (Ord. No. 1442, 9/13/00)

SECTION 7-126: DRILLING OR INSTALLATION OF WELLS OR OTHER FACILITIES NEAR CITY WATER SOURCES; PROHIBITED

It shall be unlawful to place, maintain, construct or replace any of the following facilities or structures or to discharge any of the following materials within the indicated number of feet from the City's public water supply wells:

Non-potable water well	1,000 feet
Sewage lagoon	1,000 feet
Any other well	1,000 feet
Absorption or disposal field for waste	500 feet
Cesspool	500 feet
Dumping grounds	500 feet
Feedlot or feedlot runoff	500 feet
Livestock corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet

SECTION 7-127: BACKFLOW PREVENTION; STATEMENT OF PURPOSE

The City hereby finds that backflow and backsiphonage of contaminants into a public water supply system can be a threat to public health and safety. Direct or indirect cross-connections within a water distribution system, including within a water customer's distribution system, are among possible structural arrangements which can result in backflow and backsiphonage. In the interest of public health and safety, the City hereby adopts the following backflow and backsiphonage prevention program, and cross-connection control program.

SECTION 7-128: BACKFLOW PREVENTION; DEFINITIONS

For the purpose of this ordinance, the following terms shall mean:

“Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle; used to prevent either backflow or backsiphonage,

“Atmospheric vacuum breaker (nonpressure-type backsiphonage preventer)” means used as protection for direct or indirect water connections to all types of polluted or contaminated liquids where the preventer is not subjected to back-pressures and is installed on the discharge side of the last control valve. This preventer should not be subjected to continuous flows for periods of more than 12 hours.

“Backflow” means the flow of water or other liquids, mixtures or substances into the water distribution system from other than the intended liquids, mixtures or substances of the public water supply system.

“Backsiphonage” means the flowing back of water, or other liquids, mixtures or sub-

stances into a water distribution system due to negative pressure in the piping of the water distribution system.

“Double check-valve assembly (backflow preventer)” means a device used as protection for all direct or indirect water connections through which foreign substances might enter the system in such concentrations as to constitute a nuisance or be aesthetically objectionable. Examples are foods, beverages, or other substances that do not constitute a health hazard.

“Cross-connection” means any actual or potential connection or structural arrangement within a water distribution system through which it is possible to introduce into the public water supply system any water, liquids, mixtures or substances, other than the intended water, liquids, mixtures or substances of the public water supply system.

“Nontoxic substance” means any substance of a nonpoisonous nature that may create a moderate or minor hazard to the domestic water system. Hazardous connections include (A) connections to food processing lines, including but not limited to those carrying syrups, lard, beer; (B) connections to steam and steam boilers where the steam does not come in contact with toxic substances; (C) McDaniel tees or steam clean-up connections in food plants, apartment house boilers, or pressing boilers where toxic compounds are not used; and (D) connections to enclosed circulating refrigerated-water systems where toxic compounds are not used.

“Pressure vacuum breaker (backsiphonage preventer)” means a device used as a protection for direct or indirect water connections to all types of polluted or contaminated liquids where the preventer is not subjected to back-pressures. This device may be installed for use under continuous line pressure.

“Reduced-pressure device (backflow preventer)” means a device used as protection for direct or indirect water connections where the device may be subject to backpressures from toxic chemicals, sewage, or other lethal substances.

“Toxic substance” means any substance (liquid, solid, or gaseous), including raw sewage and lethal substances, that when introduced into the water supply system creates or may create a danger to the health and well being of the consumer. Hazardous connections include flush valve toilet, direct connection to contaminated vessel or system, ship watering point.

SECTION 7-129: BACKFLOW PREVENTION; UNLAWFUL CONNECTIONS; NEW INSTALLATIONS AND REPAIRS

No installation or repair within the water distribution system, including the customer's water distribution system shall be made in such manner:

- A. That a cross-connection shall exist;

B. That it will be possible in any manner to allow the flow of any water or other liquids, mixtures or substances into the water supply system other than the intended water, liquids, mixtures or substances of the public water supply system;

C. That it will be possible in any manner to allow the flowing back of water or other liquids, mixtures or substances into the water supply system due to negative pressure in the water distribution system; or

D. That the device will be inaccessible.

SECTION 7-130: BACKFLOW PREVENTION; PREVENTION DEVICES REQUIRED

A backflow or backsiphonage prevention device approved by the water superintendent shall be installed at the customer's expense in the customer service pipe when any of the following conditions are found by the superintendent:

A. Premises having an auxiliary water supply;

B. Premises in which, in the opinion of the superintendent, substances are handled in a manner as to create an actual or potential hazard to the public water supply;

C. Premises having existing or potential internal cross-connections;

D. Premises where, in the opinion of the superintendent it is impossible or impractical to make a complete cross-connection premises survey;

E. Premises having more than one customer service pipe.

SECTION 7-131: BACKFLOW PREVENTION; PREVENTION DEVICES; MINIMUM PROTECTION

When backflow or backsiphonage prevention devices are required by this ordinance, the prevention devices shall provide a minimum level of protection as provided below; provided, however, this shall be a minimum standard of protection. When in the opinion of the water superintendent a different level of protection would be more appropriate, the superintendent shall prescribe the method of backflow or backsiphonage protection.

SECTION 7-132: BACKFLOW PREVENTION; INSTALLATION INSPECTIONS

A. The water superintendent or representative may inspect any premises to determine if a backflow device is required and what level of protection will be necessary to protect public health and safety.

B. In order to inspect any premises, the superintendent shall give notice setting forth a proposed date and time to the customer at least ten working days in advance by first-class certified mail, return receipt requested. If the customer cannot make the premises available for inspection on that date and time, he/she shall contact the water superintendent to arrange another date and time for inspection. The customer shall provide access to the premises at reasonable times to the water superintendent or authorized representative. If the water superintendent and the customer cannot agree on a date and time for inspection, the premises shall be declared impossible or impractical to make a cross-connection survey and the backflow or backsiphonage device shall be installed pursuant to the requirements of this article.

C. All inspections shall be made at the expense of the customer and shall be performed by a Grade VI Backflow licensee.
(Am. by Ord. No. 1424, 10/14/98)

SECTION 7-133: BACKFLOW PREVENTION; MAINTENANCE

Backflow and backsiphonage prevention devices shall be maintained in good working condition by the customer at his/her expense.

SECTION 7-134: BACKFLOW PREVENTION; TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the water superintendent. Actual testing shall be at the expense of the customer. Any required maintenance or repair shall be at the expense of the customer and subject to the approval of the water superintendent. Any backflow/backsiphonage prevention device found to be not operating properly after testing shall be repaired or replaced within ten working days of the test. The customer shall provide a copy of any test results of a backflow/backsiphonage prevention device to the water superintendent. (Am. by Ord. No. 1424, 10/14/98)

SECTION 7-135: BACKFLOW PREVENTION; WATER SUPERINTENDENT'S AUTHORITY

The water superintendent shall have the authority to issue any order consistent with the provisions of this ordinance in order to protect the public health and safety. Any order of the water superintendent shall be in writing and shall clearly state the nature of the order and compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed to the customer by certified first class mail, return receipt requested.

SECTION 7-136: BACKFLOW PREVENTION; NUISANCE

Any actual or potential connection or structural arrangement within a water distribution system through which it is possible to introduce into the public water supply system any water, liquids, mixtures or substances other than the intended water, liquids,

mixtures or substances of the public water supply system shall hereby be declared a nuisance.

SECTION 7-137: BACKFLOW PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of this ordinance has been wrongfully interpreted by the water superintendent, that the time allowed for compliance with any order of the water superintendent is too short, or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by this ordinance, the owner may file a written notice of appeal with the city clerk within ten days after the decision or order of the water superintendent has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the water superintendent. Such a decision shall be final and subject only to any remedy which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal.

Article 2 – Sewer Department

SECTION 7-201: OPERATION AND FUNDING

The City owns and operates the sewer system through the sewer superintendent. The City Council, for the purpose of defraying the cost of the management and maintenance of the sewer system may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The sewer superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of the office, having the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the mayor, city administrator and City Council. (Neb. Rev. Stat. §17-149, 17-925.01)

SECTION 7-202: DEFINITION OF TERMS

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

"Biochemical oxygen demand" (BOD) 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 milligrams per liter.

"Building drain" shall mean and include that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"Chlorine requirement" shall mean the amount of chlorine in sewage to produce a specified residual chlorine content or to meet the requirements of some other objective in accordance with procedures set forth in *Standard Methods for the Examination of Water and Wastewater*.

"Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

"Commercial contributor" shall mean all contributors other than residential contributors and light commercial contributors.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Floatable oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

"Light commercial contributor" shall mean any nonresidential contributor whose typical monthly wastewater discharge is less than 3,000 gallons and whose BOD and suspended solids concentration are that of normal domestic wastewater.

"May" is permissive; "shall" is mandatory.

"Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Normal domestic wastewater" shall mean wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 350 mg/l.

"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.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10^{-7} .

"Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" shall mean a common sewer controlled by governmental agency or public utility.

"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. The term "operation and maintenance" includes replacement.

"Residential contributor" shall mean any single family dwelling, a unit of a multiple family dwelling or mobile home user of the city's wastewater treatment works.

"Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

"Sewage" is the spent water of a community. The preferred term is "wastewater."

"Sewer" shall mean a pipe or conduit that carries wastewater or drainage water.

"Shall" is mandatory; "may" is permissive.

"Slug" shall mean any discharge of water or wastewater 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 and shall adversely affect the collection system and/or performance of the wastewater treatment works.

"Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Suspended solids" shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as non-filterable residue.

"Unpolluted waters" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Useful life" shall mean the estimated period during which a wastewater 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.

"Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

"Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater treatment works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of city 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 improvement, 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 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 city waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

"Water meter" shall mean a water volume measuring and recording device furnished and/or installed by a user and approved by the City.
(Am. by Ord. No. 1305, 7/8/92)

SECTION 7-203: MANDATORY HOOKUP

The owner of any house, building, or property used for human employment, recreation, or other purposes, situated within the City 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 City, is hereby required at his/her 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 60 days after date of official notice to do so; provided, said public sewer is within 100 feet of the property line.

SECTION 7-204: CONSUMER'S APPLICATION; DEPOSIT, TAP FEE

A. The City Council in its discretion may require a service deposit from any or

all customers of the City Sewer Department in a sum set by resolution of the City Council and filed in the office of the city clerk for public inspection during office hours. All delinquent sewer charges shall be deducted from the said fund. The deposit shall be collected by the city clerk, who shall immediately turn the same over to the city treasurer. The said treasurer shall keep the deposit in a trust fund for customers of the Sewer Department. The said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property belonging to the Sewer Department. (Neb. Rev. Stat. §17-925.01)

B. Every person or persons desiring to connect with the sewer system must make application to the sewer superintendent. Every application must be accompanied by a tap fee if the tap is to be performed by the City. Such tap fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. In addition, the application must be accompanied by a service deposit fee as described in subsection (A), which may be returned to the applicant after three years if all sewer bills are continuously and promptly paid. Sewer service may not be supplied to any house or building except upon the order of the sewer superintendent. The department shall not supply sewer service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to nonresidents. (Neb. Rev. Stat. §17-149, 19-2701) (Am. by Ord. No. 1366, 12/6/95)

SECTION 7-205: SEWER CONTRACT; NOT TRANSFERABLE

A. The City through the Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may be hereafter laid. The rules, regulations, and sewer rental rates hereinafter named in this article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City 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 City Council may hereafter adopt, the sewer superintendent, or agent, may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the superintendent or agent. (Am. by Ord. No. 1088, 8/5/81)

B. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the sewer superintendent, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged

for that period of time until the sewer superintendent is otherwise advised of such circumstances.

SECTION 7-206: INSTALLATION; PERMIT REQUIRED

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 superintendent.

SECTION 7-207: INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE

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 agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A fee for an industrial building sewer permit shall be paid to the City at the time the application is filed. Such fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. (Am. by Ord. No. 1285, 1/14/91)

SECTION 7-208: INSTALLATION; EXPENSE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 7-209: INSTALLATION; SINGLE PREMISES

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 but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

SECTION 7-210: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

SECTION 7-211: INSTALLATION; CONSTRUCTION CODES

A. The size, slope, alignment, 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 City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply.

B. 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 drain shall be lifted by an approved means and discharged to the building sewer.

C. 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 City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the sewer superintendent before installation.

SECTION 7-212: INSTALLATION; UNLAWFUL CONNECTIONS

No person shall make connection of roof downspouts, exterior foundation drains, ar-eaway 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. (Am. by Ord. No. 1307, 8/12/92)

SECTION 7-213: INSTALLATION; PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights. The refilling of all trenches shall be done in uniform layers not exceeding 9 inches and thoroughly tamped so as to replace all excavated material and leaving the surface in as good condition as found before the commencement of the work. In the event of settling of a refilled excavation within one year after being refilled, the sewer superintendent shall have the right and duty to require restoration by the party who made such excavation or by the property owner for whom said work was done. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the sewer 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.

B. In making connections with the city sewer system, the property owner or representative, with the assistance of the Sewer Department, shall first locate the "Y" joint in the main sewer to which the connection is to be made and uncover the same. Immediately after such "Y" joint has been located and uncovered, a representative of the Sewer Department shall make the connection therewith and the property owner or representative shall then proceed to excavate from the main sewer by the shortest route to the premises to be served. The sewer superintendent, in his/her discretion, may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay all other costs of installation.

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

SECTION 7-214: WORK BY AUTHORIZED PERSONS

It shall be unlawful for any person other than the sewer superintendent, persons in his/her employ, or persons operating under special contract with the City to open, uncover, or make any connection with the sewer system or to lay any sewer pipes or attach or modify any fixtures or appurtenances which are in any manner attached to or used in connection with the sewer system. (Am. by Ord. No. 1176, 12/5/84)

SECTION 7-215: PLUMBING REGULATIONS

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain or attach to, modify or repair any appurtenances without complying with the rules and regulations of the sewer superintendent; provided, nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 7-216: PLUMBER'S LIABILITY

The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage caused to the sewers or the public ways and property. He/she shall restore all streets that have been excavated to the complete satisfaction of the sewer superintendent and make good any settlement of the ground or pave-

ment caused by the excavation.

SECTION 7-217: REPAIRS AND REPLACEMENT

A. The Sewer Department may require the owner of any property which is within the City and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

B. The city 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 sewer superintendent may cause such work to be done and assess the cost upon the property served by such connection.

SECTION 7-218: USER CHARGE SYSTEM; OPERATION AND MAINTENANCE FUND

A. 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 wastewater treatment works which the City 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 maintenance, including replacement of the water treatment works, shall be established by this section. That portion of the total user charge collected which is designated for operation and maintenance purposes as established by Section 7-219 below shall be deposited in a separate non-lapsing fund known as the "Operation and Maintenance Fund" and will be kept in two primary accounts as follows:

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

B. 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 year and shall be used for no other purposes than those designated for these accounts. Moneys 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 rate 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.

(Am. by Ord. Nos. 1055, 1/2/80; 1084, 8/5/81; 1205, 9/3/86; 1305, 7/8/92)

SECTION 7-219: REVIEW USER CHARGE SYSTEM; NOTIFICATION OF USER

The City will review the user charge system at least every two years 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. (Ord. No. 1305, 7/8/92)

SECTION 7-220: FEES AND COLLECTIONS; DISCONTINUATION OF SERVICE FOR NONPAYMENT; HOOKUP FEE

A. The City Council has the power and authority to fix rates to be paid by contributors. All such user charges shall be on file for public inspection at the office of the city clerk, who shall have the duty of collecting the user charges of contributors.

B. All users shall be billed at the beginning of each month. Billings for any particular month shall be due by the first of the month. Any payment not received by the tenth of the month shall be delinquent.

C. When any bill is not paid by the tenth of the month, it is in default and rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. A hookup fee will be charged to reestablish service. Such fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours.

(Am. by Ord. Nos. 1205, 9/3/86; 1215, 4/1/87; 1305, 7/8/92; 1313, 1/13/93; 1366, 12/6/95)

SECTION 7-221: WASTEWATER TREATMENT WORKS SERVICES; RATES; SURCHARGE FOR EXTRA-STRENGTH WASTEWATER; CHARGE FOR DISCHARGE AND TOXIC POLLUTANTS; HOOKUP FEE

A. Each user shall pay for the services provided by the City based upon his/her use of the wastewater treatment works as determined by water meter(s) acceptable to the City as follows:

1. For residential and light commercial contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential user has not established a January, February and March average, the monthly user charge shall be the median charge of all other residential and light commercial contributors.

2. For industrial, institutional and commercial contributors, user charges shall be based on water used during the current month. If a commercial, institutional or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City.

B. The minimum charge per month and a user charge in excess of minimum shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours.

C. For those users who contribute wastewater having a strength greater than normal domestic sewage, a surcharge in addition to the normal charge will be collected. The surcharge for operation and maintenance including replacement will be determined by the responsible plant operating personnel and approved by the City Council.

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

E. Any user which elects to terminate sewer service temporarily (a period not to exceed eight months) shall be charged a hookup fee when service is reinstated. Such fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours.

F. The user charge system shall take a precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204(b) (1) (A) of the Clean Water Act and its corresponding regulations.
(Ord. Nos. 1305, 7/8/92; 1307, 8/12/92; 1311, 10/14/92; 1320, 5/12/93; 1458, 1/8/03; 1493, 9/12/07)

SECTION 7-222: UNLAWFUL DEPOSIT OF WASTES OR UNTREATED SEWAGE

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 City or within two miles of the corporate limits thereof or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City, or with-

in two miles of the corporate limits thereof or in any area under the jurisdiction of said City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article.

SECTION 7-223: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

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 wastewater.

SECTION 7-224: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

Where a public sanitary or combined sewer is not available under the provisions of Section 7-203 (Mandatory Hookup), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this article and the private sewage system shall be abandoned in accordance with the Nebraska Department of Environmental Quality's Title 124 - *Rules and Regulations for the Design, Operation and Maintenance of Septic Tanks*. (Am. by Ord. No. 1307, 8/12/92)

SECTION 7-225: PRIVATE SEWAGE DISPOSAL; PERMIT REQUIRED, FEE

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the sewer superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid to the City at the time the application is filed. Such fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours.

SECTION 7-226: PRIVATE SEWAGE DISPOSAL; PERMIT, WHEN EFFECTIVE; INSPECTIONS

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the sewer superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent.

SECTION 7-227: PRIVATE SEWAGE DISPOSAL; SPECIFICATIONS

The type, capacities, location, and layout of a private wastewater disposal system shall comply with the Nebraska Department of Environmental Quality's Title 124 -

Rules and Regulations for the Design, Operation and Maintenance of Septic Tanks. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities when the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Am. by Ord. No. 1307, 8/12/92)

SECTION 7-228: PRIVATE SEWAGE DISPOSAL; MAINTENANCE

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

SECTION 7-229: PRIVATE SEWAGE DISPOSAL; ADDITIONAL REQUIREMENTS

No statement contained in Sections 7-224 through 7-228 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 7-230: PROHIBITED DISCHARGES; STORM, SURFACE, GROUND, COOLING AND PROCESS WATERS

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. Storm water and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the sewer superintendent and other regulatory agencies. (Am. by Ord. No. 1307, 8/12/92)

SECTION 7-231: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. 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.
3. 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 wastewater works.
4. 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 wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Any waters or wastes having:
 - a. Five-day BOD greater than 300 parts per million by weight,
 - b. Containing more than 350 parts per million by weight of suspended solids,
 - c. Having an average daily flow greater than 2% of the average sewage flow of the City, or
 - d. Chlorine requirement greater than demanded by normal sewage as evaluated by the City's consulting engineer shall be subject to the review of the superintendent.

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

1. Reduce the biochemical oxygen demand 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 to normal sewage.

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

SECTION 7-232: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT

The following described substances, materials, water, or waste shall be limited in discharges to city systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The sewer superintendent may set limitations lower than the limitations established in the regulations below if in his/her opinion such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability, the superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of

waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the superintendent are as follows:

- A. Wastewater having a temperature higher than 150° F.
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat or grease.
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances, exceeding limits which may be established by the superintendent.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein:
 - I. Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or 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 "slugs" as defined herein.
 - J. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amena-

ble to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

K. Any waters or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, or suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

SECTION 7-233: DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE

A. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7-232 and which in the judgment of the sewer superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 7-234.

B. When considering the above alternatives, the superintendent shall give consideration to the economic impact of each alternative on the discharger. Equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent.

SECTION 7-234: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGES

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

SECTION 7-235: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil, and sand interceptors shall be provided when, in the opinion of the sewer superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other

harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by personnel of the owner(s) must be performed by currently licensed waste disposal firms.

SECTION 7-236: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

SECTION 7-237: CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

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

SECTION 7-238: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article 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. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the sewer superintendent.

SECTION 7-239: 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 7-240: COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY

The sewer superintendent and other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions herein. The superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

SECTION 7-241: COMPLIANCE; INSPECTIONS; INJURY AND LIABILITY

While performing the necessary work on private properties referred above, the Sewer Department or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees. The City shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

SECTION 7-242: COMPLIANCE WITH HAZARDOUS DISCHARGE REGULATIONS; INSPECTIONS; EASEMENTS

The sewer superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City 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 7-243: VIOLATION; NOTICE AND LIABILITY

Any person found to be violating any provision of the hazardous discharge regulations, Section 7-230 through 7-242, except Section 7-239 (Destruction of Property) shall be served by the City 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 violating any of the provisions of this article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Article 3 – Solid Waste Disposal and Collection

SECTION 7-301: SOLID WASTE DISPOSAL AREA; PERMIT

A. The City Council shall from time to time by resolution or order designate, regulate and control the Solid Waste Collection System, either within or without the corporate limits of the City. The Council shall designate a particular area for disposition of grass clippings, tree branches, and other approved compost materials. No fee shall be charged for dumping of such materials in such location, to be known as the compost area. It shall be unlawful for any person to deposit any waste materials or garbage in the compost area except grass clippings, tree branches, and other approved compost materials.

B. The City Council shall designate a separate area for the disposition of waste materials and garbage of any other nature, except hazardous materials. "Hazardous materials" shall mean all materials or substances which are defined as hazardous by a state or federal government agency, as amended from time to time. It shall be unlawful for any person to deposit any nonhazardous waste materials and garbage on the landfill area of the Solid Waste Collection System unless and until such person has complied with all rules and regulations and paid any fee which may be prescribed by the City Council or the Board of Health. It shall be unlawful for any person to dump any waste materials or garbage of any nature on any other place within the corporate limits or within the jurisdiction of the City for the regulation of health without first applying for and receiving a written permit from the chairman of the Board of Health to do such dumping.

(Am. by Ord. No. 1281, 12/10/90)

SECTION 7-302: SOLID WASTE COLLECTION; OPERATION BY CITY

The City shall operate a solid waste collection service. The Mayor, City Council and city administrator shall have direct management and control of the waste collection service. Said rules and regulations shall be adopted by resolution of the City Council and kept on file at the office of the city clerk for public inspection during office hours.

(Am. by Ord. No. 1258, 10/9/89)

SECTION 7-303: OPERATION AND FUNDING

The City owns and operates the Solid Waste Collection System through the street superintendent. The City Council, for the purpose of defraying the cost of the management and maintenance of the Solid Waste Collection System, may each year levy a tax not to exceed 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 Solid Waste Collection System Fund and shall be in the custody of the city treasurer. The mayor, city administrator and City Council shall have the direct management and control of the Solid Waste Collection System and shall have the authority to adopt rules and regulations for its sanitary and efficient management. The City Council shall set rates to be

charged for use of the Collection System by resolution and file the same in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §19-2101 through 19-2106)

SECTION 7-304: CONSUMER'S APPLICATION; DEPOSIT

Every person and commercial or business enterprise receiving either water or sewer or both to such person's place of residence or business shall pay a solid waste collection service deposit fee to the city clerk, which fee may be returned to such person after three years if all solid waste collection service fees are continuously and promptly paid. Said deposit fee shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. (Ord. No. 1366, 12/6/95)

SECTION 7-305: RATE CATEGORIES; RESIDENTIAL SERVICE

The rate categories for collection service are defined as follows:

A. *Class 1:* Single-family dwelling or light commercial or business enterprise which has an average weekly solid waste of five or fewer 30-gallon garbage bags or the equivalent.

B. *Class 2:* Multiple-family dwelling (including duplexes or apartments) not utilizing a dumpster.

C. *Class 3:* Heavy single-family dwelling or regular commercial or business enterprise having an average weekly solid waste of six to ten 30-gallon garbage bags of waste or the equivalent per week.

D. *Class 4:* All businesses or dwellings outside the city limit having five or fewer 30-gallon bags of waste or the equivalent per week.

E. *Class 5:* All other businesses or commercial enterprises or multiple-family dwelling units dispensing of their waste in a dumpster or having an average weekly solid waste of 11 or more 30-gallon garbage bags of waste or the equivalent per week.

(Ord. Nos. 1258, 10/9/89; 1336, 3/11/94; 1482, 4/13/05)

SECTION 7-306: MANDATORY SERVICE CHARGE

A. There is hereby imposed on each residential customer or light commercial or business enterprise receiving either water or sewer or both to such customer's place of residence or business (Class 1 rate category) a service charge for solid waste collection service provided by the City.

B. There is hereby imposed on the owner of each multiple-family dwelling unit (Class 2 rate category) a service charge for solid waste collection service provided by the City.

C. There is hereby imposed on each heavy residential or regular commercial customer receiving either water or sewer service or both to such customer's place of residence or business (Class 3 rate category) a service charge for solid waste collection service provided by the City.

D. There is hereby imposed on each heavy commercial customer receiving either water or sewer service or both to such customer's place of business or the owner of each multiple-family dwelling unit utilizing a dumpster (Class 5 rate category) a service charge for solid waste collection service provided by the City.

E. There is hereby imposed on any customer receiving either water or sewer service or both to such customer's residence or place of business, in addition to any other service charge provided for herein, a cycle charge for solid waste collection service for each cycle of the solid waste hauling vehicle provided by the City. For the purposes of this subsection, "cycle" is defined as the mechanical compacting of the waste placed in the hauling portion of the solid waste collection vehicle.

F. Other charges for solid waste collection service shall be imposed upon the persons receiving special services provided to customers based upon charges established by the City.

(Am. by Ord. Nos. 1015, 7/5/78; 1145, 10/5/83; 1258, 10/9/89; 1336, 3/11/94)

SECTION 7-307: MONTHLY RATE; CYCLE CHARGE; ADDITIONAL WEEKLY PICKUP CHARGE

The rates for each category for service shall be set by the City Council and filed in the office of the city clerk for public inspection during office hours. The rates established herein are based upon one collection of a customer's solid waste per week. In the event a customer requires or requests more than one collection per week, then the monthly rate imposed upon such customer shall be determined by multiplying the number of collections per week times the rate category for that customer.

(Ord. Nos. 1258, 10/9/89; 1294, 9/11/91; 1336, 3/11/94; 1482, 4/13/05)

SECTION 7-308: TEMPORARY WAIVERS; CATEGORY CHANGES

A. Any Class 1 or Class 3 residential customer may apply in writing to the city clerk for a waiver of the service charge for a single period of one, two or three successive calendar months in any successive 12-month period, which shall be granted if the city clerk finds that such application was made before the commencement date of the requested waiver period and that the residence will be wholly unoccupied during the entire period for which the waiver is requested. If the city clerk later determines that the residence was occupied at the time during the waiver period, the waiver shall be terminated and the customer shall be liable for the full amount of the service charge as if such waiver had not been granted. The waiver shall automatically terminate at the end of the requested period.

B. Requests for change of rate category may be made by any customer at any time and if the city clerk finds that such change is proper, such change shall become effective for the next billing period following the date of request. The city clerk shall change the rate category of any customer to the proper category without request of the customer when such change would result in an increase in rate.
(Ord. Nos. 1258, 10/9/89; 1294, 9/11/91 1336, 3/11/94)

SECTION 7-309: BILLING

Customers of the city waste collection service shall be billed according to the provisions of Section 7-112.

SECTION 7-310: USE OF DUMPSTER; PAD REQUIRED

Any customer receiving solid waste collection services provided by the City who disposes of his/her/their solid waste in a dumpster shall be required to install and maintain a concrete pad or other hard-surfaced area upon which said dumpster shall be placed. (Ord. Nos. 1258, 10/9/89; 1366, 3/11/94)

SECTION 7-311: SERVICE TO CUSTOMERS ONLY

It shall be unlawful for any person, firm or corporation upon which no service charge is imposed under Section 7-306 (Mandatory Service Charge) and with whom no contract for regular solid waste collection services by the City exists to dispose of or attempt to dispose of any solid waste materials by the city solid waste collection service except by specific arrangement with the City. (Ord. Nos. 1194, 5/7/84; 1258, 10/9/89)

Article 4 – Utilities Generally

SECTION 7-401: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. The City shall have the right to discontinue utility services and remove its properties if the charges for such services are not paid within seven days after the date that the charges become delinquent. Before any termination, the City shall first give notice by first-class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days, weekends and holidays excluded, after notice is sent or given. As to any subscriber who has previously been identified to the City as a client of the Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to Social Services.

B. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the City regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the City may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the City's service to that household. Such certificate shall be filed with the City within five days of receiving notice under this section and will prevent the disconnection of the City's service for a period of 30 days after such filing. Only one post-

ponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past-due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

C. A domestic subscriber may dispute the proposed discontinuance of service by notifying the City with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the City may discontinue services.

D. The procedures adopted by the City Council for resolving utility bills, three copies of which are on file in the office of the city clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

E. This section shall not apply to any disconnections or interruptions of services made necessary by the City for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §70-1602 et seq.) (Ord. Nos. 1205, 9/3/86; 1404, 11/12/97)

SECTION 7-402: DIVERSION OF SERVICES; PENALTY

A. The City 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 acts result in damages to a city utility. The City 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.

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

1. The amount of actual damage or loss if the amount is susceptible to reasonable calculation; or

2. Liquidated damages or \$750.00 if the amount is not susceptible to reasonable calculation.

C. In addition to damage or loss under subsection (B) (1) or (2) of this section, the City 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 fees in cases within the scope of Neb. Rev. Stat. §25-1801.

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

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

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

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

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

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 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.