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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

The city currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The city has the right and power to tax assets and collect from its residents such tax, rent, or rates for the use and benefit of the water used or supplied to them by the water system and for use of the sewer system. The City Council is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be kept on file in the office of the city clerk for public inspection. (Neb. Rev. Stat. §§17-538, 17-542) (Ord. No. 93-02, 8/6/92)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the city shall be required to subscribe to city utility services, which may include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the City Council.

SECTION 7-103: CONSUMER'S APPLICATION; TAP FEES; SERVICE DEPOSIT

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. There shall be two classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the water and sewer commissioner.

B. No applicant for the services of a public or private utility company furnishing utilities in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered

a part of the contract between the city and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the water and sewer systems and solid waste collection service by a new consumer thereof and the furnishing of water, sewer and solid waste collection 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 and sewer commissioner may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said commissioner.

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

SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY

A. All water meters shall be read by the water and sewer commissioner or his agent near the end of each month during which service is used. All consumers shall pay to the city at the city office, in net cash, the amount due to the city for utility services.

B. If the consumer shall neglect or refuse to pay the monthly bill for utility services on or before the 10th day of the month succeeding that in which the service was provided, the water and sewer commissioner may discontinue and disconnect the consumer's water service after seven days' written notice by first-class mail or in person to the consumer 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. Service shall remain discontinued until all amounts in arrears are paid in full, together with an additional fee for resumption of water service, as set by resolution of the City Council and kept on file in the city office. The owner of the premises will in all cases be required to pay for the water used on such premises if otherwise unpaid.

C. Such discontinuance of service shall comply with the relevant portions of Neb. Rev. Stat. §§70-1601 through 70-1615 or Section 7-106, including giving notice by certified mail to any consumer who has previously been identified to the city as a recipient of services from the Department of Health and Human Services, with a copy of such notice also being given to the same department, until all amounts in arrears are paid in full, together with the additional fee for resumption of water service. (Neb. Rev. Stat. §§17-537, 17-538, 17-542, 70-1601 through 70-1615)

SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

Before any disconnection of utility service for nonpayment of any past due account, the city shall first give written notice by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail or electronic delivery, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services. The notice shall contain the following information:

- A. The reason for the proposed disconnection;
- B. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the city regarding payment;
- C. The date upon which service shall be disconnected if the domestic subscriber does not take appropriate action;
- D. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
- E. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- F. A statement that the city may not disconnect service pending the conclusion of the conference;
- G. 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 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 utility's service to that household; such certificate shall be filed with the city clerk within five days of receiving notice under this section and will prevent the disconnection of the utility services for a period of 30 days from such filing; only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;
- H. The cost that will be borne by the domestic subscriber for a restoration of service;
- I. A statement that the domestic subscriber may arrange with the city for an installment payment plan;
- J. A statement to the effect that those domestic subscribers who are clients of

the Department of Social Services may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

K. Any additional information not inconsistent with this section which has received prior approval from the City Council.
(Neb. Rev. Stat. §§70-1603 through 70-1608)

SECTION 7-107: DISCONTINUANCE OF SERVICE; SUBSCRIBER'S DISPUTE; CONFERENCE

A. A domestic subscriber may dispute the proposed discontinuance of utility 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 utility may discontinue service. Such conference shall be held before an employee designated by the city to hear such matters (hearing officer). The said officer shall hear and decide all matters disputed by domestic subscribers. The subjects to be heard shall include matters relating to a disputed bill.

B. Upon notice to the hearing officer of any request for a conference by a domestic subscriber, the hearing officer shall:

1. Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and
2. Hold a conference within 14 days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Evidence Rules. If the hearing officer determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under Neb. Rev. Stat. §§70-1605 to 70-1615, the hearing officer shall recess and continue the conference at such time as the subscriber has been afforded his or her rights.
3. Failure of a domestic subscriber to attend a scheduled conference shall relieve the utility of any further action prior to the discontinuance of service. If a domestic subscriber contacts the utility prior to the scheduled conference and demonstrates that failure to attend is for a legitimate reason, the utility shall make a reasonable effort to reschedule the conference.

C. The hearing officer shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any decision by the utility involving a disputed bill which results in a threatened termination of utility service. The hearing officer shall allow termination of utility service only as a measure of last resort after the utility has exhausted all other remedies less drastic than termination.

D. Any domestic subscriber may appeal an adverse decision of the hearing officer as provided in Neb. Rev. Stat. §§70-1612 through 70-1614.

E. This section shall not apply to any disconnections or interruptions of service 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. §§70-1609 through 70-1613)

SECTION 7-108: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The 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 utility charges. It shall be the duty of the city clerk to report quarterly to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the 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. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503) (Ord. No. 93-02, 8/6/92)

SECTION 7-109: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the city, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-106 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter

made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §§25-21,275 through 25-21, 278, 28-515.02)

SECTION 7-110: 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 act results 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, the city shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

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

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

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

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

bypassing, tampering, or unauthorized metering was proven to exist.

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

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

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The city owns and operates the Water Department through the water and sewer commissioner. The mayor and 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.

B. The water and sewer commissioner shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP; PRIVATE WELLS PROHIBITED

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. All persons whose property is within 300 feet of a main

shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. Extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts, as provided by law and by resolution of the mayor and 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 water service to persons whose property line is not within 300 feet of the said main.

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

D. The construction of a water well within the city corporate limits, other than under the authority of the city, is hereby prohibited.

(Neb. Rev. Stat. §17-532) (Ord. Nos. 92-19, 5/5/92; 03-02, 4/14/03; 2005-02, 2/1/05)

SECTION 7-204: SERVICE TO NON-RESIDENTS

Applicants for water service whose property is situated outside the corporate limits of the city shall pay tap and installation fees and meter deposit as set by resolution by the mayor and City Council and kept on file in the city office. Nothing herein shall be construed to obligate the city to furnish water service to non-residents unless it is able to do so without curtailing the demands of resident consumers or without overloading its pump, machinery or other equipment. (Neb. Rev. Stat. §§17-537, 19-2701) (Am. Ord. Nos. 66, 11/1/48; 135, 8/3/71; 190, 8/5/80; 99-11, 12/9/99; 03-02, 4/14/03)

SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 248, 5/3/88)

SECTION 7-206: WATER METERS REQUIRED

A. All water service connected with the water plant and system shall have placed thereon a water meter of the type and kind approved and furnished by the city.

B. All meter pits, if meters are not set in basements, shall be constructed by the

applicant or consumer at his or her own expense at such point near the inside lot line as shall be agreed upon by the water and sewer commissioner and the consumer. The meter pit shall be of such design as sanctioned and approved by the commissioner; provided, all meters shall be set in a horizontal position so they may be easily read by the commissioner or his agent, whether set in meter pit or in basement.

C. The water and sewer commissioner or his agent shall, whenever it is inconvenient to make readings of any meter now set or hereafter to be set in meter pits or in basements, be empowered to give the consumer 20 days' notice, in writing, to reset said meter in a horizontal position. If the consumer refuses or neglects to do so, the commissioner or his agent shall reset the meter horizontally and the cost thereof shall be charged to and paid by said consumer in the same manner as water rent.

(Am. Ord. No. 03-02, 4/14/03)

SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE

The expense of providing water service to the lot line shall be paid by the city. The consumer, upon approval of his or her application for water service, shall pay a tap fee as provided in Section 7-103 and shall then pay the cost of installation and pipe from the lot line to the place of dispersion and installation of the stop box. The consumer shall pay the expense of procuring the services of a plumber and shall pay for furnishing and installing pipe, trenching, and the necessary labor to bring water service from said corporate cock to the place of dispersion. (Neb. Rev. Stat. §17-542)

SECTION 7-208: REPAIRS AND MAINTENANCE

A. The city shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the water and sewer commissioner shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the commissioner.

B. When for any reason the city shall notify a consumer in writing to replace service pipe in streets, connecting the commercial main with the premises of a consumer, and said consumer shall fail for a period of 20 days to deposit the cost of such service pipe replacement with the water and sewer commissioner and as set forth in said notice, the city shall install the same and bill the consumer for reimbursement the same as water rent. If the same shall remain unpaid, it may be collected as delinquent water as provided in this chapter.

C. All meters set and installed shall be kept in repair by the city, with the expense to be charged to the consumer if any damage done was caused by the negligence or the willful conduct or act of the consumer. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All water meters shall be tested at the consumer's request, at the expense of the consumer, any reasonable number of times. The city reserves the right at any time

to test any water meter furnished to a consumer. Charges determined to be appropriate for replacing meters and for testing meters may, at the election of the water and sewer commissioner, be filed and collected as water rent.

(Neb. Rev. Stat. §17-537) (Am. Ord. Nos. 248, 5/3/88; 03-02, 4/14/03)

SECTION 7-209: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the water system shall be done under the supervision of the water and sewer commissioner and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for water system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for sewer mains, supply lines, and service lines. (Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-210: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the water and sewer commissioner and shall be at all times subject to the inspection and approval of the commissioner. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the water and sewer commissioner. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-211: WATER RATES

A. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the water and sewer commissioner to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again.

B. The minimum water use rate shall be a monthly rate. No flat rate for water service shall be quoted or allowed.

C. Persons desiring to use water temporarily shall pay such rates on the basis of subsections (A) and (B) above.

(Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-212: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Water Department and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-214: DESTRUCTION OF PROPERTY

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

SECTION 7-215: FIRE HYDRANTS

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

SECTION 7-216: POLLUTION; WATER SYSTEM DECLARED NATURAL RESOURCE

A. It is the declared public policy of the city that, pursuant to Article XV, Section 4 of the Nebraska State Constitution, the necessity of water for domestic purposes is declared to be a natural want and that the waterworks or water system of the city is in the nature and aspect of a natural resource, in existence for the best interests and welfare of the residents and inhabitants of the city. Therefore, in its current status it is necessary that it be protected from interferences thereto, be they manmade or natural.

B. 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. The jurisdiction of the city to prevent any such pollution shall extend 15 miles beyond the corporate limits of the city.

C. All interferences of any kind or nature with the city water system, especially those which might pollute or injure the ground water near the city, which may result from intentional or negligent acts of any person or corporation, are hereby declared to be a public nuisance as the same are not in the best interests and welfare of the residents and inhabitants of the city.

(Neb. Rev. Stat. §17-536) (Ord. Nos. 92-19, 5/5/92; 98-98, 11/3/98)

SECTION 7-217: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

A. A customer of the Water Department may be required by the water and sewer commissioner to install and maintain at his or her expense a properly located backflow prevention device appropriate to the potential hazards set forth in Nebraska Department of Health, Title 179, and approved by the water and sewer commissioner.

B. The customer shall make application to the water and sewer commissioner to install a required backflow prevention device on a form provided by the city. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number. The commissioner shall approve or disapprove the application based on his opinion of whether such installation will protect the city water distribution system from potential backflow and cross-connection hazards.

C. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including use of a licensed plumber, if applicable.

D. Every backflow prevention device equipped with a test port shall be tested as often as required by the city but at least once each year by a Grade 6 certified water operator, with test results certified to the city as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a form available at the office of the city clerk.

E. All customers of the Water Department shall be required to report to the water and sewer commissioner at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the water and sewer commissioner may be appealed to the City Council.

SECTION 7-218: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES

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

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet

Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS 4/4/10)

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the city or its extraterritorial jurisdiction without first having obtained the proper permit from the City Council. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the city. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the council must approve or deny said permit.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the city and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 of this code.

SECTION 7-219: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; APPLICATION FOR PERMIT

A. Any person, partnership, corporation, limited liability company or other entity which intends to construct or operate any manufacturing, livestock, or other facility within the jurisdictional limits of the city which will create liquid or solid waste which will be stored or disposed of into holding ponds, lagoons, tanks or any other containers or which will be discharged into waterways or onto or under the soil shall apply for and obtain a permit from the city before constructing or operating said manufacturing, livestock or other facility to enable the city to regulate such construction or operation so as to prevent any pollution or injury to the city's sources of water for the city waterworks. The application and permit process shall be as provided in Sections 7-220 to 7-223.

B. The cost for application for such permit shall be as set by resolution of the City Council and kept on file in the city office.
(Am. Ord. Nos. 98-98, 11/3/98; 99-01, 1/5/99)

SECTION 7-220: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; APPLICATION; EXCEPTIONS

A. All manufacturing, livestock or other facilities which create liquid or solid

waste within 15 miles of the corporate limits of the city shall apply for and obtain a permit from the city to construct and operate liquid and solid waste storage and disposal facilities as set forth in Section 7-219 herein unless either of the following circumstances apply:

1. Construction has been completed and such manufacturing, livestock or other facility is operating at or prior to the date of final passage of this ordinance; or
2. The facility is a livestock facility that has a capacity of not more than 650 head of livestock, including fowl, cattle, swine, sheep or other animals of any size or age, at any time.

B. If an existing manufacturing, livestock or other facility which is excepted from obtaining a permit by subsection (A)(1) herein undertakes an expansion of such facility so that it generates more waste for disposal or in the case of a livestock facility excepted from obtaining a permit by subsection (A)(2) herein expands to more than 650 head capacity and generates additional waste then such facility shall apply for a permit as set forth in Section 7-119 herein.

(Ord. No. 98-98, 11/3/98)

SECTION 7-221: SOLID AND LIQUID WASTE STORAGE AND DISPOSAL FACILITIES; APPLICATION PROCESS

A. All applications made for a permit for the construction and operation of holding ponds, lagoons, tanks or other containers for the storage of liquid or solid waste or for the discharge of such waste onto or under the surface of the soil or to be discharged into any waterway pursuant to Section 7-219 herein shall be made as follows:

1. Such application shall be filed with the city clerk at the clerk's office.
2. All applications shall consist of all written materials required by the Department of Environmental Quality or its successor state agency for the operation of such facility. The applicant shall also submit all other information required by the city's application process and any supplemental rules in effect at the time of filing the application. In the event that the NDEQ or its successor does not require an application, then the applicant shall provide the city clerk with a comprehensive set of plans for the waste disposal system of the proposed facility; technical data about the soils where such facility is to be constructed; a detailed plan about the proposed construction process; a detailed plan for the storage and disposition of liquid or solid waste; and a plan for cleaning up or sealing the site when the facility has not been used for more than one year to prevent pollution from occurring after the facility has been closed. In the event that the facility is closed for more than one year and reopened, the owner/operator shall reapply for a new permit.

3. The mayor shall meet with the applicants to review the written materials at the request of the applicants. The mayor may request that he or she or a designee of the mayor be given a tour of the proposed site of said facility along with any engineering or other consultants that the city may retain to assist the mayor in reviewing the application.

B. Within 30 days after the mayor has received all of the required materials for a complete application and made inspections, he or she shall refer the matter to the City Council for a hearing to review the information available and make a determination to grant or deny the application. Notice of the hearing to the applicant shall be by certified mail at the address provided in the application.

C. Said hearing, pursuant to subsection (B) herein, shall be scheduled after a written request by the applicant has been filed with the city clerk and not more than 30 days after the mayor has obtained the above information and applicant shall be given at least 14 days' notice of the hearing. The applicant may be represented by legal counsel at such hearing and may present testimony from expert witnesses in attendance at the hearing.

D. The City Council shall render its decision within 30 days of the hearing on the application unless the council retains a consultant to review information submitted by the applicant at the hearing. In that event, the council shall render its decision within 30 days of receiving a final report from its consultant but not more than 60 days after such hearing. If the City Council denies or grants said application then the applicant or any citizen of the city may file for relief from such decision with the appropriate state court.

(Ord. No. 98-98, 11/3/98)

SECTION 7-222: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; SUPPLEMENTAL RULES

A. In addition to Title 130 of the Nebraska Department of Environmental Quality, the applicant shall comply with the following requirements:

1. The applicant shall drill one test hole per acre of area within the footprint of any earthen lagoon to be used to contain or treat wastewater on the site. The test holes shall be evenly spaced and extend at least 10 feet below the bottom elevation of the lagoon. Logs and soil analysis shall be included with the application.
2. All structures that contain wastewater or solid waste shall be constructed so as to prevent any leakage of liquids or leachate onto or into the ground. Only the following containment systems are acceptable:
 - a. Earthen impoundment with a synthetic, impermeable liner of at least 60 mil thickness placed over at least 1 foot thickness of compacted soil with provisions for leachate recovery and leak detection. The soil under

liner shall be constructed two lifts, each compacted to a permeability coefficient of 1×10^{-6} cm/sec or less. It shall have a flat, smooth surface and contain no objects projecting through the surface such as rocks and roots.

- b. Properly coated steel tank on a sealed reinforced concrete pad.
 - c. Completely sealed reinforced concrete tank.
3. If an earthen impoundment includes a dam more than 25 feet in height, measured from the downstream toe of the dam to the crest of the dam, or if it impounds more than 50 acre-feet at the crest of the dam, the applicant must commission an independent analysis of the structural design of the dam. The consultant selected must be approved by the city.
 4. "Liquid wastes", which include manure slurries and most waste treatment sludges that are not dewatered, are defined as confining less than 10% solids. "Solid wastes" are defined as containing 10% or more and would generally include solid manure separated from liquids and most dewatered waste treatment sludges. Solid wastes shall not be applied to land with a slope greater than 10%. Liquid wastes shall not be applied to land with a slope greater than 5% unless conservation and runoff control practices are implemented and the waste is injected into the soil or incorporated within 6 hours of application. Liquid wastes shall not be applied on frozen or saturated ground or within 24 hours of a precipitation event. Liquid seasonal wastes shall not be applied in excess of the infiltration capacity of the soil or the nutrient requirements of the crop. Solid or liquid wastes shall not be applied within 200 feet of a perennial, intermittent or ephemeral stream. To determine these capacities the applicant shall analyze the soils for nitrogen, available phosphorous, available potassium, pH and CEC and analyze the wastewater for nitrogen (all forms), total phosphorus, total potassium, pH, chloride, sodium, magnesium, calcium and total solids. This data shall be made available to the city upon request.
 5. Compliance with state and local requirements for solid and liquid waste application shall be verified by a professional agronomist whose reports shall be submitted within 30 days of completion to the city. One groundwater monitoring well shall be placed at or adjacent to the downgradient boundary of each section utilized for waste application. Two baseline groundwater samples shall be obtained from each of these wells and analyzed prior to the initial operation of the facility. Thereafter, samples shall be collected and analyzed annually during the life of the facility. All groundwater samples shall be analyzed for nitrates and chloride and the reports submitted to the city within 30 days. The applicant shall grant to the city the right to enter the property and obtain its own samples. If, after operations begin, a monitoring well sample shows a nitrate(s) or chloride con-

centration above the baseline values, the frequency of testing shall be increased to quarterly. If two consecutive samples show values above baseline then application of wastes shall be halted on the affected section. If subsequent test values show improvement, then the city at its discretion may allow resumption of waste application.

6. The applicant shall submit an acceptable bond or financial guarantee to assure that waste containment facilities are closed in accordance with applicable laws and regulations of the state without cost to the taxpayers. If the applicant chooses to land spread solid residuals from the lagoon or tank, he or she shall first submit to the city a chemical analysis suitable to determine if the material is toxic to plants or animals.

B. The provisions of this section shall not apply to livestock facilities which are exempted from the requirement for filing an application by Section 7-221.

(Ord. No. 98-98, 11/3/98)

SECTION 7-223: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; PERMIT ISSUANCE

After an application provides all of the required information set forth in Section 7-222, the mayor shall review said materials, in conjunction with any consultants that the mayor may retain to assist with said review, within 30 days of receiving the completed application. If the applicant's proposed facility meets all the requirements of the Nebraska Department of Environmental Quality and Section 7-222 herein, and after hearing and approval by the City Council as provided in Section 7-221(D), making a finding of compliance by the applicant, then a permit to proceed with the construction and operation of said facility shall be issued by the mayor. (Ord. No. 98-98, 11/3/98)

SECTION 7-224: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; REVOCATION OF PERMIT FOR NONCOMPLIANCE

A. In the event that any facility which has received a permit to construct and operate holding ponds, lagoons, tanks or any other containers for storing liquid or solid waste which will be discharged into waterways or onto or under the soil pursuant to Section 7-220 is not constructed and/or operated according to the plan submitted for approval, or in the event that the permit was obtained by false information on the application, the mayor shall then be authorized to revoke any permit for the construction and operation of such facility.

B. If a permit is revoked pursuant to subsection (A) herein, the mayor shall notify the applicant by certified mail or by a method acceptable for service of summons as provided by law. The notice shall state the reasons the permit was revoked and shall explain the changes that will need to be made to the facility for a permit to be reinstated. If the applicant does not agree with the findings of the mayor, the applicant shall be entitled to a hearing before the City Council to appeal such decision to revoke the

permit. Said hearing shall be scheduled after a written request by the applicant shall have been filed with the city clerk, not more than 30 days after such request, and the applicant shall be given a minimum of 14 days' notice of the hearing. Such applicant may be represented by legal counsel at the hearing. The council shall render its decision within 30 days of the hearing on the applicant's appeal unless the council retains a consultant to review information submitted by the applicant at the appeal hearing. In any event, the council shall render its decision within 30 days of receiving a final report from its consultant. If the council concurs with the revocation of the permit, the applicant may file for relief from such revocation of permit with the appropriate state court.

(Ord. No. 98-98, 11/3/98)

SECTION 7-225: SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; VIOLATION; PENALTY

Whenever any person, partnership, corporation, limited liability company, or other entity violates or refuses to comply with the enforcement of any of the provisions of this solid and liquid waste storage and discharge facilities ordinance, the city may proceed by a suit in equity to enjoin the same in the manner provided by law and use any other means at law or equity to enforce this ordinance. (Ord. No. 98-98, 11/3/98)

SECTION 7-226: RESTRICTED USE

The mayor and City Council or the water and sewer commissioner may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The 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. §17-537)

SECTION 7-227: WATER EMERGENCY PLAN

The city shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The mayor is hereby authorized to implement the appropriate conservation measures as set forth herein when any of the conditions have been reached which would qualify for any of the specific stages. The mayor is hereby given discretion to declare each particular stage as deemed appropriate by himself or herself by reviewing the severity of the trigger conditions and other additional information. The mayor is hereby further authorized to implement conservation measures within the guidelines provided for each particular stage. (Ord. No. 2005-04, 5/3/05)

SECTION 7-228: WATER EMERGENCY; STAGE 1, WATER WATCH

A. Triggers:

1. Ground water levels have fallen 5 feet below normal seasonal levels;
2. System pressure falls below 54 pounds per square inch; or
3. Demand for one day is in excess of 1 million gallons per day.

B. *Goals.* To heighten awareness of the public of the water conditions and to maintain the integrity of the system.

C. *Management Actions.*

1. Leaks will be repaired within 48 hours of detection.
2. The city will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

D. *Regulation Actions.* The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets to prevent any unnecessary use of water.

SECTION 7-229: WATER EMERGENCY; STAGE 2, WATER WARNING

A. *Triggers:*

1. Ground water levels have fallen 10 feet below normal seasonal levels;
2. System pressure falls below 54 pounds per square inch;
3. Plant operations are at 80% capacity for more than three consecutive days; or
4. Demand for one day is in excess of 1 million gallons per day.

B. *Goals.* To reduce peak demands by 20% and to reduce overall weekly consumption by 10%.

C. *Management Actions.*

1. The water supply will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The city will curtail its water usage, including watering of city grounds and washing of vehicles.

D. *Regulation Actions.* In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the mayor:

1. An odd/even lawn watering system will be imposed on city residents.

Those with odd-numbered houses will water on odd days, even-numbered houses on even days.

2. Outdoor water use, including lawn watering and car washing, will be restricted to before 10:00 a.m. and after 9:00 p.m.
3. Refilling of swimming pools will be limited to one day a week after sunset.
4. Excess water use charges for usage over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
5. Waste of water will be prohibited.

SECTION 7-230: WATER EMERGENCY; STAGE 3, WATER EMERGENCY

A. Triggers:

1. Ground water levels have fallen 15 feet below normal seasonal levels;
2. System pressure falls below 54 pounds per square inch;
3. Pumping lowers water levels to within 5 feet of the top of the well screens;
4. Plant operations are at 90% of capacity for more than three consecutive days; or
5. Demand for one day is in excess of 1 million gallons per day.

B. *Goals.* To reduce peak demands by 50% and to reduce overall consumption by 25%.

C. Education Actions.

1. The city will make news releases to local media describing current conditions and indicate the water supply outlook for the city.
2. The city will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

D. Management Actions.

1. City water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
5. The city will seek additional emergency supplies from other users and from the state or federal government.

E. *Regulation Actions.* In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the mayor:

1. Outdoor water use will be banned.
2. Waste of water will be prohibited.

F. *Enforcement.* In the event that any water consumer fails to comply with the regulatory action taken by the city, the mayor may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the mayor being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed.

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The city owns and operates the sewer system through the water and sewer commissioner. The mayor and 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.

B. The water and sewer commissioner shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the mayor and City Council. The said council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and 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 and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

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

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

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

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

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

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

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

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

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

"Water and sewer commissioner" shall mean the superintendent of the city sewage system or his authorized deputy, agent or representative.

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

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

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

B. It shall be unlawful to discharge to any natural outlet within the city, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided.

C. It shall be unlawful to construct any privy, privy vault, cesspool, septic tank or other similar facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, sub-surface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the water and sewer commissioner. Industrial cooling water or unpolluted process water may be discharged, on approval of the water and sewer commissioner, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs, which shall be as determined by the water and sewer commissioner. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the 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 sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 10 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

B. The city may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the mayor and City Council, provided that 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 persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-149.01, 18-503) (Ord. No. 65, 4/27/48)

SECTION 7-305: SERVICE TO NON-RESIDENTS

The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the mayor and 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 non-residents. (Neb. Rev. Stat. §19-2701)

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the city, as provided in Section 7-103, which compensates the city for the expense of processing the application and tapping the sewer main. The water and sewer commissioner in his 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 and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-307: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is 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. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the water and sewer commissioner, provided the same have been previously approved by the City Council.

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 water and sewer commissioner shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

SECTION 7-308: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the water and sewer commissioner and shall be at all times subject to the inspection and approval of the commissioner. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the water and sewer commissioner. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.
(Neb. Rev. Stat. §17-537)

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the supervision of the water and sewer commissioner and strictly in accordance with the

rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the water and sewer commissioner, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the commissioner shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

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

SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

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

SECTION 7-313: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance. For residential or public entity contributors/users (whether inside or outside of the city limits) the user charge shall be a monthly charge based on water usage during the quarter containing the months of January, February and March. For industrial and commercial contributors/users, user charges shall be based on water used during the current billing

month. (Neb. Rev. Stat. §18-509)

SECTION 7-314: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Sewer Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-315: MANHOLES

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

SECTION 7-316: DESTRUCTION OF PROPERTY

No person 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.

Article 4 – Solid Waste

SECTION 7-401: NUISANCE; ABATEMENT

It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises or any other place within the city any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in approved receptacles as nearly airtight as may be practical. No person shall permit garbage, refuse, or rubbish to accumulate. (Neb. Rev. Stat. §17-123.01)

SECTION 7-402: DISPOSAL; CONTRACTOR

The City Council shall contract with a licensed contractor who can comply with the requirements established by the Integrated Solid Waste Management Act for the proper disposal of garbage, rubbish, waste and trash. (Ord. No. 93-09, 8/2/93)

SECTION 7-403: COLLECTION

The city will by contract provide weekly curbside collection of normal household trash, refuse, garbage, etc., from all residences and commercial establishments within the city as follows:

A. Collections are to be made on a specific day, unless weather or other adverse conditions make it impossible for the collector to perform its task on that specific day, in which case it will be collected on the following day or as soon thereafter as conditions permit. Collections will be made during normal working hours or from sunrise to sunset, whichever is the greater length of time.

B. Residents shall have the refuse ready for collection at the street curbside in approved metal or plastic containers with lids secured or properly tied plastic bags. Any lawn clippings or trimmings shall be put in properly secured plastic bags by the resident and placed at the curbside locations for pickup by the collector; provided, the lawn clippings and trimmings shall be limited to six plastic bags per residence. Additional pickup at any one residence shall be contracted for directly with the collector on an individual basis at established rates.

C. Residents will be responsible for litter or spillage prior to collection. The collection contractor shall be responsible for litter or spillage after collections. All refuse collected by the contractor shall be delivered to and deposited in a state-licensed land-fill or approved recycling plant site.

(Ord. No. 93-09, 8/2/93)

SECTION 7-404: MANDATORY SERVICE CHARGE

A. There is hereby imposed on each residential customer receiving either water

or sewer service, or both, to such customer's place of residence (Class I, Class II or Class III categories) a service charge for solid waste disposal provided by the city, whether directly or by contracting.

B. There is hereby imposed on each commercial customer receiving either water or sewer service, or both, to such customer's place of business (Class IV or Class V categories) a service charge for solid waste disposal provided by the city, either directly or by contracting.

C. Any other person desiring solid waste disposal shall contract with the city based upon negotiated rates, as may be negotiated with the contractor for the city; provided, the rates for individuals residing outside the corporate limits of the city shall conform to the rate schedule specified in this article.

(Ord. Nos. 93-09, 8/2/93; 96-03, 4/17/96)

SECTION 7-405: RATE CATEGORIES

The rate categories for service are defined as follows:

A. "Class I" shall mean single-family dwellings and multiple-family dwellings which are vacant or inhabited and used for residential purposes only and not for any home-based occupation or business use, with separate assessments for each family if there are multi-family users in the multiple-family dwellings.

B. "Class II" shall mean dwellings, trailer houses or apartments each of which is solely occupied by one person 65 years of age or older, with no other individuals staying at or residing in such residence. Property and dwellings shall be classified as Class I dwellings unless the proper certification is provided to the city clerk verifying that the individual does qualify for this classification. A copy of such form shall be kept on file in the city office and available for public inspection during office hours.

C. "Class III" shall mean dwellings, trailer houses or apartments each of which is solely occupied by two persons 65 years of age or older, with no other individuals staying at or residing in such residence. Property and dwellings shall be classified as Class I dwellings unless the proper certification is provided to the city clerk verifying that the individuals do qualify for this classification. A copy of such form shall be kept on file in the city office and available for public inspection during office hours.

D. "Class IV" shall mean all businesses or commercial enterprises except for those described as Class V.

E. "Class V" shall mean all businesses or commercial enterprises which regularly produce garbage, rubbish, waste or trash in a quantity equivalent to three 33-gallon garbage bags or less per week. Additional fees will not be charged for the occasional extra quantity of trash which may be produced over the three bag limit.

(Ord. Nos. 96-02, 1/4/96; 96-03, 4/17/96; 03-03, 4/14/03; 2006-12, 12/5/06)

SECTION 7-406: RATES ESTABLISHED

A. Waste disposal rates shall be established for the categories defined in Section 7-405. The rates shall entitle each user to utilize one 96-gallon poly cart for trash disposal, which will be owned by the solid waste disposal contractor. Small poly carts will be furnished to those in categories II and III. Occasional overages of trash will not result in additional fees but regular production of trash in excess of one 96-gallon poly cart will result in additional charges and the requirement that the user rent an additional poly cart from the contractor. All fees and charges other than rates shall be as set by resolution by the City Council and kept on file in the city office.

B. Non-residents of the city who reside within the city's zoning jurisdiction may qualify for the rates herein upon providing a written request and certification to the city clerk that they have elected to have their garbage service billed through the city. The failure to timely pay the cost of such services as provided and billed will result in discontinuance of the billing service.

C. If a dumpster is utilized, there will be an additional charge for such use as established by the contractor. Additional fees will be charged for any refuse which exceeds the limitations as established by the contractor.

(Am. Ord. Nos. 96-02, 1/4/96; 96-03, 4/17/96; 98-06, 9/8/98; 00-02, 2/3/00; 03-03, 4/14/03; 2006-12, 12/5/06; 2017-1, 1/11/17)

SECTION 7-407: WAIVERS

A. Residential Class I, II and III customers may apply in writing to the city clerk for waiver of the service charge for a single period of one, two, three, four or five successive calendar months, which shall be granted if the city clerk finds that such application is made prior to the commencement date of the requested waiver period, that the residence will be wholly unoccupied during the entire period for which the waiver is requested and proper notification is given to the contractor so that the service is not provided during such time frame. If the City Council later determines that the residence was occupied at any time during the waiver period, without notice from the customer that the waiver period should be terminated, the waiver shall be terminated and the customer shall be billed for the full amount of the service charge as if the waiver had not been granted. The waiver shall automatically terminate at the end of the requested period.

B. Residents of the city who choose not to utilize the solid waste disposal service provided by the city may obtain a waiver of billing and service of the same if they qualify as provided in Neb. Rev. Stat. §13-2020(4). Such residents must certify to the city clerk that they will not have any garbage, trash or solid waste to set out for pickup by the contractor and shall further certify that they are delivering their garbage, trash and solid waste to a certified landfill or transfer station. The certification must be accompanied by a receipt from the permitted facility on at least a monthly basis. The certification form shall be signed by the person seeking discontinuance of service. A copy of such form shall be kept on file in the city office and available for public inspection during

office hours.

SECTION 7-408: SERVICE LIMITED TO CUSTOMERS

It shall be unlawful for any person, firm or corporation upon which no service charge is imposed under this article and with whom no contract for regular solid waste disposal by the city exists to dispose of or attempt to dispose of any solid waste materials by the City Solid Waste Disposal Plan except by specific arrangement with the city or with the city's contractor. Any violation of this section shall constitute a misdemeanor and shall be punishable as a general misdemeanor under the penalty provisions of the municipal code. (Ord. No. 93-09, 8/2/93)

SECTION 7-409: CITY DUMP; OPERATION AND FUNDING; CLOSING

The city owns and operates the Bassett City Dump. As of October 1, 1993, the dump is closed to the acceptance of waste from any source except for trees and branches, specified construction debris, and for the temporary storage of appliances, furniture and other items designated by the City Council. The council shall direct that such steps be taken as are necessary to comply with the state's Integrated Solid Waste Management Act. The council may levy a tax each year 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 of the city subject to taxation for the purpose of defraying the cost of the care, management and maintenance of the facility which is closed and to meet the requirements established by state and federal law for closing a solid waste disposal area. (Neb. Rev. Stat. §§13-2001 to 13-2043) (Ord. No. 93-09, 8/2/93)

SECTION 7-410: CITY DUMP; REMOVAL OF MATERIAL

The removal of any yard waste, which shall include grass, mulch, compost, leaves and other vegetation; plaster, cement, concrete, brick or stone building rubble or any similar items from the city dump or from any poly carts; or dumpsters or trash cans set out for collection to be deposited at the dump, is hereby prohibited without the express written permission of the mayor or one member of the City Council. Furthermore, any written permission must have been issued through the office of the city clerk so that a written record is maintained of the permit terms. Any person who shall remove any yard waste, as defined above in this section, upon conviction shall be guilty of a misdemeanor and penalized as provided in Section 7-501. (Ord. No. 2003-10, 11/6/03)

SECTION 7-411: CITY DUMP; DEPOSITING SOLID WASTE ON CITY PROPERTY

It shall be unlawful to deposit or cause to be deposited any solid waste materials of any kind on any real estate belonging to or operated by the city including but not limited to streets, alleys, roadways or the city dump; provided, grass clippings, mulch, compost, leaves, trees, branches and other similar yard waste and other vegetation may be deposited at the city dump at such locations as may be designated by the City Council or its employees. Plaster, cement, concrete and brick or stone building rubble

may be deposited at the city dump at such locations as may be designated by the council or its employees. Any person who shall violate this provision shall, upon conviction, be punished by a fine not to exceed \$500.00 for each such violation and shall furthermore be ordered to make restitution to the city for the cost of the removal of the solid waste. (Ord. No. 2015-05, 10/6/2015)

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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