

TITLE V: PUBLIC WORKS

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CHAPTER 50: UTILITIES GENERALLY

Section

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§ 50.01 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. A 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 the amount of the damage or loss is susceptible of reasonable calculation; or

(2) Liquidated damages of until 7-1-1985, \$500; and, on 7-1-1985 and thereafter, \$750, if the amount of actual damage or loss is not susceptible of reasonable calculation.

(C) In addition to damage or loss under divisions (A) or (B) above, 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 attorneys' fees in cases within the scope of Neb. RS 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 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 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.

(1976 Code, § 3-1101) (Ord. 729, passed 9-1-1983)

Statutory reference:

Related provisions, see Neb. RS 86-331.01 through 86-331.04

§ 50.02 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC SUBSCRIBER. Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies or businesses of any nature.

(B) No public or private utility company, including any utility owned and operated by the city, furnishing water, natural gas or electricity at retail in the city shall discontinue service to any domestic subscriber for non-payment of any past-due account unless the utility company first gives notice to any subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first-class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. 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.

(C) The notice required by division (A) above 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 utility 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 utility's 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 utility 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 a 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 utility within five days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this division (C)(7) for each incidence of non-payment 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 utility 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 caseworkers in that regard; and

(11) Any additional information not inconsistent with this section which has received prior approval from the City Council or Board of Public Works, in the case of a city utility, or the board of directors or administrative board of any other utility.

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers including new subscribers, of the availability of such procedures.

(E) The provisions of Neb. RS 70-1608 through 70-1614 shall apply to disputes over a proposed discontinuance of service.

(F) The procedures adopted for resolving utility bills by the City Council or Board of Public Works for any city utility, one copy of which is 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.

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

(1976 Code, § 3-1102) (Ord. 6/605, passed - -; Ord. 759, passed 9-6-1984; Ord. 1380, passed - -; Ord. 1461, passed 2-8-2016)

Statutory reference:

Related provisions, see Neb. RS 70-1605, 70-1607 and 70-1615

§ 50.03 NEW SUBDIVISIONS; UNDERGROUND INSTALLATION.

(A) In new subdivisions to the city approved by the governing body after the effective date of this section, all utilities shall be installed underground. **UTILITIES** shall include water, sewer, electricity, telephone, natural gas and cable television.

(B) In the installation for electrical services, the Municipal Power Department shall provide electrical service to the meter. The meter shall be installed on the improvement on the premises or as prescribed by the Municipal Power Department.

(1976 Code, § 3-1103) (Ord. 713, passed 6-9-1983)

§ 50.04 METERS TAMPERING; UNAUTHORIZED RECONNECTION.

(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 water, without the knowledge and consent of the city, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current or water obtained in the above mentioned unauthorized ways shall be deemed guilty of an offense.

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

(C) When electrical or water service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or § 50.02 of this chapter, any person who reconnects such service without the knowledge and consent of the city shall be deemed guilty of an offense.

(D) Proof of the existence of any wire, pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence

of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration or obstruction is proved to exist.

(1976 Code, § 3-1104) (Ord. 1192, passed 1-22-1996)

Statutory reference:

Related provisions, see Neb. RS 86-329 through 86-331

CHAPTER 51: GARBAGE AND REFUSE

Section

Collection

- 51.01 Authority
- 51.02 Notice; removal
- 51.03 Nuisance
- 51.04 Lien

Disposal

- 51.15 Definitions
- 51.16 Solid waste, compost and recycling materials
- 51.17 Dead animals

Landfill

- 51.30 Operation and funding
- 51.31 State regulation

- 51.99 Penalty

COLLECTION

§ 51.01 AUTHORITY.

The governing body for the city may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads or alleys abutting such lot or land which constitutes a public nuisance. The city may require the owner, duly authorized agent or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads or alleys.

(1976 Code, § 4-401) (Ord. 953, passed 9-26-1988)

Statutory reference:

Related provisions, see Neb. RS 16-230, 16-231, 16-246, 16-901 and 18-1303

§ 51.02 NOTICE; REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads or alleys.

(1976 Code, § 4-402) (Ord. 953, passed 9-26-1988)

Statutory reference:

Related provisions, see Neb. RS 16-230, 16-231, 16-246, 16-901 and 18-1303

§ 51.03 NUISANCE.

If the Mayor/City Manager declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from such lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance herewith if such garbage or refuse has not been removed.

(1976 Code, § 4-403) (Ord. 953, passed 9-26-1988; Ord. 1479, passed 2-5-2018)

Statutory reference:

Related provisions, see Neb. RS 16-230, 16-231, 16-246, 16-901 and 18-1303

§ 51.04 LIEN.

Whenever a city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this subchapter, it shall, after a hearing conducted by the governing board, assess the cost of the removal against such lot or land.

(1976 Code, § 4-404) (Ord. 953, passed 9-26-1988)

Statutory reference:

Related provisions, see Neb. RS 16-230, 16-231, 16-246, 16-901 and 18-1303

DISPOSAL**§ 51.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Kitchen refuse, decayed waste, dead animals or anything that may decompose and become offensive to the public health.
(1976 Code, § 4-201)

RUBBISH or TRASH. Discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the city.
(1976 Code, § 4-202)

YARD WASTE. Grass and leaves.
(1976 Code, § 4-206)
(Ord. 1154, passed 2-6-1995)

Statutory reference:

Related provisions, see Neb. RS 13-2016.01

§ 51.16 SOLID WASTE, COMPOST AND RECYCLING MATERIALS.

(A) The term **WASTE**, as herein defined, shall mean cinders, ashes, plaster, brick, stone, sawdust or sand.
(1976 Code, § 4-203)

(B) It shall be unlawful for any person to keep in, on or about any residence or commercial enterprise, decayed vegetable or animal substance, garbage, trash, solid waste, compost materials or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city. It shall be unlawful to throw or sweep into the streets, alleys, parks or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, trash, compost materials or rubbish of any kind. No person may permit garbage, rubbish, waste, trash, compost materials or refuse to collect and all persons shall remove the same from his or her property within 24 hours after being notified to do so by the city's Police Chief, who shall represent the city's Board of Health. All persons residing in residential districts as indicated on the city's Zoning Map shall have provided and maintained by the city receptacles for the collection of solid waste, compost materials and recycling materials. The city shall provide for the removal of such solid waste, compost materials and recycling materials with cost for removal to be assessed to the residents within the city at the rate of \$15 per month for residential unit; and at a rate set by resolution by the City Council for non-residential solid waste, compost materials and recycling material removal.
(1976 Code, § 4-204)

(C) The city has provided, for the use of all residents of the city, solid waste receptacles which are tan in color and compost material receptacles which are green in color. It shall be unlawful to place compost materials, primarily consisting of grass, leaves and small branches less than two inches in diameter, in receptacles designated for solid waste. It shall also be unlawful to place solid waste, which

shall mean material which does not meet the definition of compost materials, in receptacles designated for compost materials.

(1976 Code, § 4-204.01)

(Ord. 557, passed 9-22-1977; Ord. 644, passed 7-31-1980; Ord. 686, passed 7-29-1982; Ord. 747, passed 8-9-1984; Ord. 1063, passed 7-20-1992; Ord. 1221, passed 9-9-1996; Ord. 1283, passed 9-25-2000; Ord. 1296, passed 10-8-2001; Ord. 1406, passed 10-6-2008; Ord. 1415, passed 9-13-2010; Ord. 1474, passed 9-5-2017) Penalty, see § 51.99

Statutory reference:

Related provisions, see Neb. RS 19-2106

§ 51.17 DEAD ANIMALS.

All dead animals shall be immediately removed and buried by the owner of such animals; and, if the owner of such animal cannot be found within two hours after discovering the same, then such animal shall be removed by and at the expense of the city. Dead animals shall not be buried within the corporate limits of the city, nor within one mile thereof, nor in or above the course of ground water that is used for drinking purposes by the city or its inhabitants.

(1976 Code, § 4-205) Penalty, see § 51.99

Statutory reference:

Neb. RS 17-114, 17-123 and 17-207

LANDFILL

§ 51.30 OPERATION AND FUNDING.

The city owns and operates the city landfill through the Street Commissioner. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the city landfill 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 Landfill Fund and shall remain in the custody of the City Treasurer. The Street Commissioner shall have the direct management and control of the city landfill and shall faithfully carry out the duties of his or her position. The Street Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the landfill subject to the supervision and review of the governing body. The governing body shall provide by ordinance for the management and operation of the landfill and shall set the rates to be charged for services rendered by ordinance and file the same in the office of the City Clerk/Treasurer for public inspection at any reasonable time.

(1976 Code, § 3-901)

Statutory reference:

Related provisions, see Neb. RS 19-2101 through 19-2106

§ 51.31 STATE REGULATION.

The city shall each year apply for a license to operate the city landfill. Application shall be made to the Department of Environmental Control on forms provided by the Department. No fee shall be charged for such licensing. Each license so issued shall expire on October 1, following the date of issuance. It shall be the duty of the Street Commissioner to comply with the rules and regulations prescribed by the Department of Environmental Control for the use and operation of the city landfill. (1976 Code, § 3-902)

Statutory reference:

Related provisions, see Neb. RS 81-1517 and 81-1519

§ 51.99 PENALTY.

(A) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (1976 Code, § 4-501)

(B) (1) Whenever a nuisance exists, as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (1976 Code, § 4-502)
(Ord. 1449, passed 12-23-2013)

Statutory reference:

Related provisions, see Neb. RS 18-1720 and 18-1722

CHAPTER 52: ELECTRICAL SYSTEM

Section

- 52.01 Ownership
- 52.02 Contracts and terms
- 52.03 Licensed electricians
- 52.04 Fees and collections
- 52.05 Minimum rates
- 52.06 Restricted use
- 52.07 Posting signs
- 52.08 Cogeneration and small power production

§ 52.01 OWNERSHIP.

The city owns and operates the city electrical system through the Board of Public Works. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the municipal electrical 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 Electrical Fund and shall remain in the custody of the City Clerk/Treasurer. The Light Commissioner shall have the direct management and control of the city electrical system and shall faithfully carry out the duties of his or her office. The governing body shall by ordinance set the rates to be charged for services rendered and shall file the same in the office of the City Clerk/Treasurer for public inspection at any reasonable time. (1976 Code, § 3-1001) (Ord. 945, passed 9-12-1988)

Statutory reference:

Related provisions, see Neb. RS 17-902 through 17-904, 17-906 and 17-909

§ 52.02 CONTRACTS AND TERMS.

The city, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, its governing body or Board of Public Works may see fit to do so. The rules, regulations and rates for electric service, hereinafter named in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer

now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the city, to which both parties are bound. If a customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Board of Public Works may hereafter adopt, the Light Commissioner, or his or her agent, shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the Commissioner or his or her agent. (1976 Code, § 3-1002) (Ord. 945, passed 9-12-1988)

§ 52.03 LICENSED ELECTRICIANS.

(A) (1) Under no circumstances shall connections be made between the wires of the electrical distribution system of the city and the meter of the consumer, except by an employee of the city or a licensed electrician authorized to do so by the Light Commissioner.

(2) The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution.

(3) All wiring, equipment and apparatus shall be installed according to the Electrical Code duly adopted by the city. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the Light Commissioner and Building Inspector; provided that, such rules, regulations and specifications have been reviewed and approved by the Board of Public Works.

(B) The city shall have the right to refuse electric service to any premises if the initial wiring was not installed by an electrician licensed by the city.

(1976 Code, § 3-1005) (Ord. 945, passed 9-12-1988) Penalty, see § 10.99

Statutory reference:

Related provisions, see Neb. RS 17-902

§ 52.04 FEES AND COLLECTIONS.

(A) The governing body has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity.

(B) All rates shall be on file for public inspection at the office of the City Clerk/Treasurer.

(C) The Board of Public Works shall bill the consumers and collect all money received by the city on the account of the city electrical system.

(D) It shall faithfully account to the City Clerk/Treasurer all revenue collected by it, taking its receipt therefor in duplicate, filing one with the City Clerk/Treasurer and keeping the other on file in its official records.

(1976 Code, § 3-1008) (Ord. 945, passed 9-12-1988)

Statutory reference:

Related provisions, see Neb. RS 17-902

§ 52.05 MINIMUM RATES.

All electrical consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Light Commissioner to shut off the electricity in which case consumer shall not be liable thereafter for electrical service until the electricity is turned on again.

(A) *Residential rates.*

<i>Residential Rate:</i>	<i>Summer</i>	<i>Winter</i>
Customer charge per month	\$12.50	\$12.50
First 700 kWh, per kWh	\$0.1061	\$0.0986
Over 700 kWh, per kWh	\$0.1061	\$0.0655
Minimum bill	\$12.50	\$12.50

(B) *Rural residential rate.*

<i>Rural Residential Rate:</i>	<i>Summer</i>	<i>Winter</i>
Customer charge per month	\$15	\$15
First 800 kWh, per kWh	\$0.1114	\$0.1064
Over 800 kWh, per kWh	\$0.1114	\$0.0655
Minimum bill	\$15	\$15

(C) *General service rate.*

<i>General Service Rate:</i>	<i>Summer</i>	<i>Winter</i>
Customer Charge per month	\$23	\$23
First 2,000 kWh, per kWh	\$0.1132	\$0.1072
Over 2,000 kWh, per kWh	\$0.1132	\$0.0790
Minimum bill	\$23	\$23

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(D) *General service demand rate.*

<i>General Service Demand Rate:</i>	<i>Summer</i>	<i>Winter</i>
Customer charge per month	\$65	\$65
Demand charge, per kW - on-peak/kW	\$16	\$10
Demand charge, per kW - interruptible	\$6	\$10
Energy charge, per kW	\$0.0530	\$0.0480
Interruptible energy charge per kWh	\$0.0490	\$0.0480
Interruptible energy charge per kWh - ratchet	57% of peak summer demand	
Interruptible energy charge per kWh - minimum bill	Demand charge but not less than \$325	
Interruptible energy charge per kWh - applicable	Loads of 25 kW or greater and less than 1,000 kW	
NOTES TO TABLE: GSD Customers with peak demands between 25kW and 100 kW may be considered for application of the general service rate solely at the discretion of the city, as it deems appropriate.		

(E) *Large power rate.* The large power rate shall be identical to 110% of the city's wholesale electric cost. The rate shall be reviewed and adjusted semiannually or as deemed necessary by the city.

<i>Customer Charge</i>	<i>Summer</i>	<i>Winter</i>
Rate	\$325	\$325

(F) *Security lighting rate.*

<i>Security Lighting Rate</i>	<i>Summer</i>	<i>Winter</i>
Per lamp, per month	\$15	\$15

(G) *Municipal service rate and street lighting.*

<i>Municipal Service Rate and Street Lighting</i>	<i>Summer</i>	<i>Winter</i>
All kWh	\$0.0946	\$0.0746

(H) *Irrigation.*

<i>Irrigation</i>	<i>Fee</i>
Annual charge per horsepower (due to prior irrigation season)	\$27
Demand charge, per kW	\$17
Energy charge, per kWh	\$0.0795

(I) *Adjustments for taxes and other charges.* The rates set forth herein may be increased by the amount of any new or increased governmental tax imposed and levied on transmission, distribution, production or the sale of electrical power.

(J) *Production cost adjustment.* The retail rates defined by this section may be adjusted pursuant to a production cost adjustment in order to pay the cost for any major construction which is required in order to maintain or improve the system, or for any major repairs to the system required in order to maintain the appropriate level of service.

(K) *Transfer of funds.*

(1) The Board of Public Works has previously transferred a percentage of its gross revenues to the General Fund of the city.

(2) Pursuant to this section, the Board of Public Works shall transfer to the city \$0.0085 per kWh sold by the Board of Public Works.

(L) *Rate seasons.* For the purpose of defining summer and winter rates, summer months shall be considered to be the usage months from approximately April 20 through October 20 (May through October for interruptible customers) and winter months shall be considered to be the usage months from approximately October 20 through April 20 (November through April for interruptible customers). (1976 Code, § 3-1009) (Ord. 595, passed 1-11-1979; Ord. 910, passed 11-17-1986; Ord. 945, passed 9-12-1988; Ord. 1167, passed 8-21-1995; Ord. 1284, passed 12-20-2000; Ord. 1377, passed 6-6-2005; Ord. 1381, passed 7-25-2005; Ord. 1402, passed 3-10-2008; Ord. 1414, passed 8-9-2010; Ord. 1450, passed 2-17-2014; Ord. 1452, passed 5-5-2014; Ord. 1458, passed 5-18-2015; Ord. 1465, passed 10-17-2016)

Statutory reference:

Related provisions, see Neb. RS 17-902

§ 52.06 RESTRICTED USE.

(A) The city electrical system does not guarantee the delivery of electric current over the lines of the distribution system, except when it has sufficient power, current, equipment and machinery to do so.

(B) The Light Commissioner has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the city has no control and the city expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (1976 Code, § 3-1011) (Ord. 945, passed 9-12-1988)

Statutory reference:

Related provisions, see Neb. RS 17-902

§ 52.07 POSTING SIGNS.

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the city electrical system any sign, poster, advertisement or banner without written permission from the Light Commissioner.

(1976 Code, § 3-1013) Penalty, see § 10.99

§ 52.08 COGENERATION AND SMALL POWER PRODUCTION.

The city shall establish guidelines regarding cogeneration and small power production as it affects the city utilities. The guidelines shall be established in pamphlet form and incorporated by reference herein as if an original part hereof.

(1976 Code, § 3-1025) (Ord. 1416, passed 11-8-2010)

CHAPTER 53: NATURAL GAS

Section

- 53.01 Regulatory authority
- 53.02 Rate schedules
- 53.03 Refund
- 53.04 Other rate changes
- 53.05 Information to be provided
- 53.06 Notice of application
- 53.07 General information
- 53.08 Validity of franchise

§ 53.01 REGULATORY AUTHORITY.

The franchisee shall, at all times, be subject to all rights, power and authority now or hereafter possessed by the city to regulate and control and direct the rates and tariffs charged for natural gas service in the city.

(1976 Code, § 10-1001)

§ 53.02 RATE SCHEDULES.

The franchisee shall provide to the city for informational purposes, copies of all rate schedules and contracts for all rates charged and the requirements for service under such schedule within the city. They should also show separately the base rate and the purchased gas adjustment (PGA) rate. The base rate shall exclude all gas supply costs and gas supply cost adjustments. Gas supply costs and gas supply cost adjustments shall be collected solely through the PGA rate.

(1976 Code, § 10-1002)

§ 53.03 REFUND.

Any refund including interest thereon, if any, received by the franchisee from its supplier related to increased rates paid by the franchisee subject to refund and applicable to natural gas purchased for resale within the city shall be passed on to presently served customers by an appropriate adjustment shown as a credit on subsequent bills during a period selected by the franchisee, not to exceed 12

months, or by a cash refund at the franchisee's option, or by such other method as may be approved jointly by the franchisee and city.

(1976 Code, § 10-1003)

§ 53.04 OTHER RATE CHANGES.

(A) In the event the franchisee desires to change its rates for natural gas service within the city other than to reflect an adjustment for the cost of purchased gas, the franchisee will present to the city copies of present and proposed rate schedules and information supporting the proposed rates to be charged for natural gas service within the city. The rate schedule and information submitted with the rate schedules shall be referred to as the rate filing. A filing fee in the amount of \$1,500 shall be paid to the city with the rate filing. Any such rate filing shall be deemed filed upon receipt of the same and the filing fee by the City Clerk. The fee shall be considered as an operating cost of the franchisee and shall not be separately itemized on any customer billings.

(B) The City Council shall have the right to select and engage rate consultants, accountants, auditors, attorneys, engineers and other experts as deemed necessary or desirable by the City Council to advise and represent the City Council in evaluating any proposed rate change. The franchisee shall reimburse the city within 90 days of the presentation of a bill by the city for the reasonable costs of those services only to the extent that said costs exceed the filing fee for the rate filing.

(C) If the proposed rates sought by the franchisee in its rate filing have not been passed on final reading by the City Council within 90 days after it was filed, or as such time may be extended by agreement between franchisee and city in order to supply additional information if requested by the city, the proposed rates shall be put into effect as interim rates and shall be collected subject to refund pursuant to Neb. RS 18-415, as the same may be amended from time to time. Such interim rates shall remain in effect pending final determination by the city, which determination shall be made within one year or, in the event of litigation, final rate determination by the courts.

(D) The rates proposed to be charged for non-contract firm natural gas service within the city shall be based upon the utility's cost of providing service to the city or the representative costs in that part of utility's service area which includes the city. The period for which the cost of service is to be recognized may be either a 12-month period preceding the application for increase or a projected 12-month period commencing not later than the proposed effective date of the increase. In the event franchisee utilizes a period of time preceding the application, the city may require that the franchisee provide a projection based upon the costs of providing service during a future projected 12-month period commencing not later than the effective date of the increase, and the city may, at its option, require that this projection be specifically for the city instead of another in the service area. The cost of service shall be determined in a manner consistent with regulated public utility practices and shall include: appropriate costs as defined and set forth in the Federal Energy Regulatory Commission Uniform System of Accounts Prescribed for Natural Gas Companies FERC Accounts; and a reasonable return on the utility's rate base.

(E) In determining a reasonable return, a rate (percentage) shall be employed that is representative of the cost of debt, preferred stock and common equity capital. The rate base shall consist of the applicable net investment in utility plant (as defined in the FERC Accounts), allowance for working capital and such other items as may reasonably be included; less such investment as may, unless otherwise prevented by law, be attributed to other than investor capital.

(F) The franchisee's appropriate costs and items of rate base shall include allocated or apportioned expenses and rate base items, when such allocations or apportionment are reasonably representative of assigned common costs and arise from the manner in which the franchisee's operations are conducted or from an avoidance of excessive and costly financial record keeping.

(G) Rate filings, not including changes reflecting the cost of gas, shall be limited to a maximum of one in any 12-calendar-month period.
(1976 Code, § 10-1004)

§ 53.05 INFORMATION TO BE PROVIDED.

(A) The franchisee shall provide, in its rate filing, three copies of its most recent annual report to the stockholders and the completed and signed copies of the "summary of proposed rate change" sheets.

(B) In addition, three copies of the following information shall, on request by city, be provided by the franchisee.

(1) A financial summary showing aggregate rate base, operating revenues, operating expenses, return on rate base and rate of return:

(a) Actual for the most recent calendar year;

(b) Number of customers and volume of sales by customer classes for the projected 12-month period. For the projected 12-month period using natural gas rates currently in effect; and

(c) For the projected 12-month period using the proposed natural gas rates.

(2) Rate base schedules, on an original cost basis, showing for the most recent 12-month period available and for the projected 12-month period:

(a) For utility plant and accumulated depreciation and amortization components: the beginning and end of period balances by account, explanations of changes in balances during the period and the calculated rate base amounts;

(b) For cash working capital: in manner in which rate base amounts are calculated;

(c) For other rate base components: beginning and end of period amounts, explanations of changes in balances during the period and calculated rate base amounts; and

(d) Explanations and calculations of allocated amounts included in divisions (B)(2)(a) through (B)(2)(c) above.

(3) Operating expense schedules, showing:

(a) Expenses by FERC accounts for the most recent calendar year including filing fees and occupation taxes paid to the city;

(b) Explanation and calculations of allocated amounts included in division (B)(3)(a) above;

(c) Expenses by FERC accounts or their equivalent for the projected 12-month period;

(d) Explanation of methods employed to develop projected expenses; and

(e) Explanations and calculations of allocated amounts included in division (B)(3)(c) above.

(4) Rate of return/cost of capital schedules showing debt, preferred stock and common equity amounts at the beginning and end of the projected 12-month period, explanations of changes during the period and methods used to calculate or otherwise determine cost of capital.

(5) Operating revenue schedules, showing:

(a) Number of customers, volume of sales and operating revenue by customer classes for the most recent calendar year;

(b) Number of customers and volume of sales by customer classes for the projected 12-month period;

(c) Explanation of methods employed to determine data in division (B)(5)(b) above;

(d) Operating revenues by rate schedules for the projected 12-month period using current rates;

(e) Operating revenue by customer classes for the projected 12-month period using proposed rates; and

(f) Detailed rates and calculations for divisions (B)(5)(d) and (B)(5)(e) above, including customer usages (consumption and analysis) data, peak demand and load factor data by customer class, allocation methods and justifications and the like.

(6) Informational schedules showing for the city as a whole:

(a) Cost of utility plant; and

(b) Number of customers, volume of sales and operating revenue by customer classes.

(7) Grantee shall clearly designate as part of its expenses, all expenditures for business gifts and entertainment, institutional, consumption inducing and other advertising or public relations expenses and legislative-advocacy expenses. The city may not allow its cost of expenses for rate making purposes any of these expenditures which the city determines not to be in the public interest. The franchisee has the burden of showing these expenses are in the public interest.

(1976 Code, § 10-1005)

§ 53.06 NOTICE OF APPLICATION.

(A) The franchisee shall not make changes in its rates, except by filing a rate filing prescribed with the City Clerk at least 90 days prior to the proposed effective date of the requested change. Notice of the filing shall be given by publication by placing a notice to the public of the proposed change in a newspaper having general circulation in the city. However, notwithstanding the above, instead of the publication of newspaper notice contemplated above, the franchisee may provide notice to the public by mailing such notice by United States mail, postage prepaid, to the billing address of each directly affected customer, or by including the notice in such customer’s bill in a conspicuous form. The notice must be in the following form:

<p>NOTICE OF RATE INCREASE</p> <p>The <u>(name of the utility)</u> proposes to increase your rates by <u>(amount of total annual increase requested)</u> dollars per year, which is an overall increase of <u>(percentage of increase over all revenues during the applicable test year)</u> percent and is an increase in base rates of <u>(percentage of increase over all revenues during the applicable test year which are not subject to escalation through some form of automatic adjustment clause)</u> per cent. Further information may be obtained from <u>(name and address of utility official)</u> or the application on file with the City Clerk.</p>

(B) An affidavit signed by an official of franchisee and describing the method of publication of the notice shall be filed with the City Clerk.

(1976 Code, § 10-1006)

§ 53.07 GENERAL INFORMATION.

The franchisee shall provide the city, at the request of city, on a regular continuing basis, within 30 days of publication, copies of documents, information and data listed below for the franchisee or its parent company as applicable:

(A) Annual report to stockholders;

(B) Quarterly report to stockholders;

(C) Securities and Exchange Commission Form 10-K, as the same may be changed from time to time;

(D) Securities and Exchange Commission Form 10-Q, as the same may be changed from time to time;

(E) Prospectus for debt securities to be issued;

(F) Prospectus for equity securities to be issued; and

(G) Distribution system map of the city.
(1976 Code, § 10-1007)

§ 53.08 VALIDITY OF FRANCHISE.

If any section, division, sentence, clause, phrase or portion of this franchise shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(1976 Code, § 10-1008)

CHAPTER 54: WATER

Section

- 54.01 Operation and funding
- 54.02 Definitions
- 54.03 Consumer's application
- 54.04 Water contract
- 54.05 Installation procedure; metered service
- 54.06 Installation expense
- 54.07 Repairs
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- 54.18 Inspections
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- 54.20 Destruction of property
- 54.21 Licensed plumbers
- 54.22 Fluoride prohibited
- 54.23 Lead pipes, solder and flux
- 54.24 Wellhead protection; permit required

§ 54.01 OPERATION AND FUNDING.

The city owns and operates the city's Water Department through the Water Commissioner. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the city's 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 Clerk/Treasurer. The Water Commissioner shall have the direct management

and control of the city's Water Department and shall faithfully carry out the duties of his or her office. The Water 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 Board of Public Works or the governing body. The governing body 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/Treasurer for public inspection at any reasonable time.

(1976 Code, § 3-101)

Statutory reference:

Related provisions, see Neb. RS 17-531, 17-534 and 19-1305

§ 54.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Also, where no definition is specified, the normal dictionary usage of the word shall apply.

MAIN. 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. 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. Any pipe extending from the shutoff, stop box or curb stop to the premises being served by said service pipe.

SUPPLY PIPE. Any pipe tapped into a main and extending from the main to the shutoff, stop box or curb stop for the premises being served by said **SUPPLY PIPE**.

WATER WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water reservoir. **WATER WELL** shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals or products mined or quarried or for inserting media to repressure oil or natural gas-bearing formations.

(1976 Code, § 3-102) (Ord. 1046, passed 11-20-1991; Ord. 1186, passed 12-18-1995)

§ 54.03 CONSUMER'S APPLICATION.

(A) Every owner of property desiring a supply of water must make application therefor to the Water Commissioner.

(B) The Water Commissioner may require any applicant to make a service deposit in such amount as he or she deems necessary subject to the review of the Board of Public Works.

(C) Water may not be supplied to any house or private service pipe, except upon the order of the Water Commissioner.

(1976 Code, § 3-103)

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.04 WATER CONTRACT.

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 and may also furnish water to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the governing body may see fit to do so. The rules, regulations and water rates, hereinafter named in this chapter, 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 governing body or Board of Public Works may hereafter adopt, the Water Commissioner or his or her 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 to said building, premises or place shall again be made save or except by order of said Water Commissioner or his or her agent.

(1976 Code, § 3-104)

§ 54.05 INSTALLATION PROCEDURE; METERED SERVICE.

(A) (1) The city shall install all water mains and supply lines, including the actual tapping into the city main and installation of the stop box, curb stop and corporation stop. The consumer shall be responsible for any trenching necessary from the city main to the premises to be served and for all installation of the service line from the shut off, stop box or curb stop to the premises served. Meters shall be installed by the city when the consumer requests service in excess of a three-fourth-inch tap or where there is more than one tap, the combined size of which is more than three-fourths of an inch.

(2) All installations of the supply line must be of a type or types of pipe as the governing body or Board of Public Works may from time to time approve. Installation of the service line must be of copper, one-inch plastic, 165 pound per square inch plastic or such other type or types of pipe as the

governing body or Board of Public Works may from time to time approve, and must be laid not less than four feet beneath the surface of the ground.

(3) No tap shall be made into the city water main which is nearer than two feet of either end of any joint of pipe, nor which is within 18 inches of an existing tap. On four- to six-inch mains, no tap shall be larger than one inch.

(4) In making excavations in streets, alleys or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade and, during the night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the Water Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require inspection by the Water Commissioner. It is the customer's responsibility to notify the Commissioner at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Water Commissioner; provided that, the said rules, regulations and specifications have been reviewed and approved by the governing body or the Board of Public Works.

(1976 Code, § 3-105)

(B) (1) All water furnished to industrial or commercial premises shall be at metered rates through a water meter.

(2) All water furnished to residential premises shall be at metered rates through a water meter.

(3) Residential premises without a water meter as of the effective date of this section shall be permitted to be serviced without a water meter at the non-metered rate, until the municipality installs a water meter for such residential premises.

(4) All water meters installed pursuant to this division (B) shall measure water in gallons.

(5) (a) All water meters three-fourths of an inch or smaller shall remain the property of the city and shall be installed, maintained and repaired by the city.

(b) All water meters in excess of three-fourths of an inch shall remain the property of the city and be installed, maintained and repaired at the expense of the city, and the customer shall reimburse the city the excess cost of acquiring and installing a water meter larger than three-fourths of an inch.

(1976 Code, § 3-105.01)

(Ord. 949, passed 9-12-1988; Ord. 1030, passed 4-15-1991; Ord. 1121, passed 1-24-1995; Ord. 1186, passed 12-18-1995; Ord. 1212, passed 1-22-1996)

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.06 INSTALLATION EXPENSE.

(A) The expense of providing water service from the city main to the premises served shall be paid by the customer. Said expense shall include all costs of materials, labor, trenching and tapping, including pipe, stop box, stop cock and corporation cock.

(B) The city shall pay the cost of a water meter where required; provided, if a meter larger than three-fourths of an inch is required, the customer shall pay any expense incurred by the city above the price of a three-fourths-inch meter.

(1976 Code, § 3-106)

Statutory reference:

Related provisions, see Neb. RS 17-542

§ 54.07 REPAIRS.

Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, including the meter, shall be made by the city. All water meters shall be kept in repair by the city at the expense of the city. When meters are worn out, they shall be replaced and reset by the city at the expense of the city; provided that, if the customer permits or allows a water meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the Water Commissioner shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided that, 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 monthly consumption during the same month of the preceding year; provided that, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Water Commissioner.

(1976 Code, § 3-107)

Statutory reference:

Related provisions, see Neb. RS 17-542

§ 54.08 FEES AND COLLECTIONS.

(A) The governing body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the City Clerk/Treasurer.

(B) The Water Commissioner shall bill the consumers and collect all money received by the city on the account of the Water Department.

(1976 Code, § 3-108)

Statutory reference:

Related provisions, see Neb. RS 17-540

§ 54.09 WATER RATES.

All water consumers shall be liable for the following rates unless and until the consumer shall, by written order, direct the Water Commissioner to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water service until the water is turned on again.

<i>Residential - Monthly Use Rate</i>	
Un-metered residential	\$23 per dwelling unit, per month
Metered	\$15.50 base charge plus \$0.90 commodity fee per 1,000 gallons

<i>Business and Commercial - Monthly Use Rate</i>	
Base charge	\$20 plus commodity fee (see below)
Commodity fee per 1,000 gallons	\$0.90
NOTES TO TABLE: All account metered.	

(1976 Code, § 3-109) (Ord. 596, passed 1-11-1979; Ord. 659, passed 3-26-1981; Ord. 898, passed 5-12-1986; Ord. 948, passed 7-18-1988; Ord. 985, passed 11-6-1989; Ord. 1031, passed 4-15-1991; Ord. 1034, passed 5-21-1991; Ord. 1301, passed 5-20-2002; Ord. 1378, passed 6-6-2005; Ord. 1423, passed 8-8-2011; Ord. 1460, passed 1-18-2016)

Statutory reference:

Related provisions, see Neb. RS 17-542

§ 54.10 WATER BILLS.

Water bills shall be due and payable monthly at the office of the city's Book Keeper. The Water Commissioner shall read or cause to be read water meters monthly between the eighteenth day and the twentieth day of the month during which service is used; provided, meters will be read on the last day of the month, upon request. The Water Commissioner shall direct the city's Book Keeper to charge and collect from each customer for the amount of water consumed since the last examination together with any other charges, properly itemized, due the Water Department. Bills shall be mailed on the last day of each month and shall be payable by the tenth of each month. Bills not paid by the tenth day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the

city's Book Keeper shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the Commissioner to cut off service at any time; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the city's Book Keeper to notify the customer and the county's Welfare Department by certified mail of the proposed termination. The Water Commissioner shall assess an additional fee set by resolution of the governing body and on file at the office of the City Clerk/Treasurer in the event that water is shut off for the non-payment of any water bill, to compensate the city for the additional hookup necessary to again provide water service to the delinquent customer.

(1976 Code, § 3-110)

Statutory reference:

Related provisions, see Neb. RS 17-542 and 18-416

§ 54.11 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for water service furnished, such amount due, together with any 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/Treasurer 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 Commissioner on June 1 of each year to report to the governing body 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 governing body, shall be certified by the City Clerk/Treasurer to the County Clerk to be collected as a special tax in the manner provided by law.

(1976 Code, § 3-111)

§ 54.12 SINGLE PREMISES.

(A) No consumer shall supply water to other families, or allow them to take water from his or her premises, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written permission of the Water Commissioner.

(B) It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately.

(1976 Code, § 3-112) Penalty, see § 10.99

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.13 RESTRICTED USE.

The governing body or the Water Commissioner may order a reduction in the use of water or shutoff 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.

(1976 Code, § 3-113)

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.14 FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the city's Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members 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.

(1976 Code, § 3-114) Penalty, see § 10.99

§ 54.15 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 city's Water Department.

(1976 Code, § 3-115) Penalty, see § 10.99

Statutory reference:

Related provisions, see Neb. RS 17-536

§ 54.16 MANDATORY HOOK-UP.

All persons within 300 feet of a water main shall be required, upon notice by the governing body, to hookup with the city water system.

(1976 Code, § 3-116) Penalty, see § 10.99

Statutory reference:

Related provisions, see Neb. RS 17-539

§ 54.17 WATER SERVICE CONTRACTS.

(A) Contracts for water service are not transferable.

(B) Any person wishing to change from one location to another shall make a new application and sign a new contract.

(C) If any consumer shall move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he or she shall at once inform the Water Commissioner who shall cause the water service to be shut off at the said premises.

(D) If the consumer should fail to give such notice, he or she shall be charged for all water used on the said premises until the Water Commissioner is otherwise advised of such circumstances.

(1976 Code, § 3-117)

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.18 INSPECTIONS.

The Water Commissioner, or his or her duly authorized agents, 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.

(1976 Code, § 3-118)

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.19 POLICE REPORTS.

It shall be the duty of the city police to report to the Water Commissioner 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 such regulations.

(1976 Code, § 3-119)

§ 54.20 DESTRUCTION OF PROPERTY.

(A) 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 city's Water Department.

(B) 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 Commissioner.

(1976 Code, § 3-120) Penalty, see § 10.99

§ 54.21 LICENSED PLUMBERS.

(A) It shall be unlawful for any plumber or pipe fitter to do any work upon any of the pipes or appurtenances of the system of waterworks, or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipe fitter shall have first procured a license or permit from the city.

(B) All plumbing shall be done in the manner required by the Water Commissioner.

(C) The said licensed plumber shall be at all times subject to the inspection and approval of the Water Commissioner and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

(1976 Code, § 3-121) Penalty, see § 10.99

Statutory reference:

Related provisions, see Neb. RS 17-537

§ 54.22 FLUORIDE PROHIBITED.

Fluoride shall not be added to the water supply of the city.
(1976 Code, § 3-122)

§ 54.23 LEAD PIPES, SOLDER AND FLUX.

(A) 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.

(B) For purposes of this section, **LEAD-FREE** shall mean:

(1) Solders and flux: not more than 0.2% lead; and

(2) Pipe and pipe fittings: not more than 8% lead.

(1976 Code, § 3-125) (Ord. 946, passed 5-2-1988)

Statutory reference:

Related provisions, see Neb. RS 71-5301

§ 54.24 WELLHEAD PROTECTION; PERMIT REQUIRED.

(A) It shall be unlawful to place, maintain, construct or otherwise have any of the following structures or activities within the distance specified below from an existing city well.

<i>Category</i>	<i>Distance</i>
Absorption or disposal field for waste	500 ft.
All water wells	1,000 ft.
Cesspool	500 ft.
Chemical storage	500 ft.
Corral	500 ft.
Dump	500 ft.
Feedlot or feedlot runoff	500 ft.
Petroleum storage	500 ft.
Pit toilet	500 ft.
Sanitary landfill	500 ft.
Septic tank	500 ft.
Sewage lagoon	1,000 ft.
Sewage treatment plant	500 ft.
Sewage wet well	500 ft.

(B) The City Council may consider locations at a closer proximity than the minimum distances above. Approval for such location may be given when circumstances require such a location and when the applicant demonstrates to the City Council that such a location will not constitute a pollution hazard to the city water supply. Before the City Council may consider such a request, the applicant must ensure present and future compliance with all State Department of Health and Department of Water Resources regulations.

(C) The placement of a water well in the city or within 1,000 feet of the corporate limits of the city is prohibited, unless the owner of the property upon which the water well is to be placed first obtains the written permission of the City Council. Permission of the City Council shall not be required if the well is required by a federal or state governmental agency; provided that, application is made to and permission is granted by the city’s Water Commissioner prior to placement of any such well. The city’s Water Commissioner shall have the authority to grant permission for the placement of a water well in an emergency situation; provided that, the matter shall be submitted to the City Council for approval as soon as possible following approval by the Water Commissioner.

(D) Wells in existence and in use as of 11-20-1991 shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of drinking water available for public use. The owner of any well shall have the burden of establishing the existence and use of such well at the time of the effective date of this section to the satisfaction of the City Council. (1976 Code, § 3-126) (Ord. 1046, passed 11-20-1991; Ord. 1047, passed 1-20-1992; Ord. 1094, passed 8-9-1993)

CHAPTER 55: SEWERS

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GENERAL PROVISIONS

§ 55.01 OPERATION AND FUNDING.

The city owns and operates the city sewer system through the Sewer Commissioner. The governing body, for the purpose of defraying the cost of the management and maintenance of the city 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 Commissioner shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she 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 governing body or Board of Public Works.

(1976 Code, § 3-201)

Statutory reference:

Related provisions, see Neb. RS 17-149 and 17-925.01

§ 55.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIOLOGICAL OXYGEN DEMAND. 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. The 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 five feet (one and one-half meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

HEAVY COMMERCIAL OR HEAVY INSTITUTIONAL CONTRIBUTOR. Any commercial or institutional contributor whose discharge may exceed 15,000 gallons per month, but whose discharge can reasonably be expected to be of normal or less than normal strength.

HEAVY INDUSTRIAL CONTRIBUTOR. Any industrial contributor whose discharge may be of greater than normal strength or may exceed 15,000 gallons per month.

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

LIGHT COMMERCIAL CONTRIBUTOR. Any contributor to the city's treatment works whose premises are used for commercial retail trade or office purposes and whose discharge to the wastewater system can reasonably be expected to be less than 15,000 gallons per month.

LIGHT INDUSTRIAL CONTRIBUTOR. Any contributor whose premises are used for industrial or manufacturing purposes, who discharges no process, product cleaning or cooling water to the wastewater system and whose discharge can reasonably be expected to be of normal or less than normal strength and less than 15,000 gallons per month.

LIGHT INSTITUTIONAL CONTRIBUTOR. Any city office, school, library and the like, whose discharge can reasonably be expected to be less than 15,000 gallons per month.

MAY. The act referred to is permissive.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

NORMAL DOMESTIC WASTEWATER. Wastewater that has a BOD concentration of not more than 165 mg/l and a suspended solids concentration of not more than 170 mg/l.

OPERATION AND MAINTENANCE. 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. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food 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 (1.27 centimeters) in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

REPLACEMENT. 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. Any contributor to the city's treatment works whose lot, parcel of real estate or building is used primarily or essentially for single-family domestic dwelling purposes. Rooming or boarding house will be considered to be ***RESIDENTIAL CONTRIBUTORS*** only if the area rented out comprises less than 40% of the total usable area of the dwelling. Apartment units, trailers and other multiple dwelling units shall be billed as individual residential units.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. 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. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

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

STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of the Board of Public Works of the city, or his or her authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and are removable by laboratory filtering.

TRAP. A fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TREATMENT WORKS.

(1) Any devices and systems for the storage, treatment, recycling and reclamation of city sewage, domestic sewage or liquid industrial wastes.

(2) 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 such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system of preventing, abating, reducing, storing, treating, separating or disposing of city waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

USER CHARGE. The 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.

WATER METER. A water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by a user and approved by the city.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(1976 Code, § 3-202) (Ord. 1036, passed 6-17-1991; Ord. 1379, passed 6-6-2005)

§ 55.03 UNLAWFUL DEPOSITS OF WASTE; CESSPOOLS AND THE LIKE.

(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 in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(1976 Code, § 3-203)

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(1976 Code, § 3-203.01)

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(1976 Code, § 3-203.02)
(Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.04 MANDATORY HOOKUP.

(A) The owner of all houses, buildings or properties 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 or 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 chapter within 60 days after date of official notice to do so; provided that, said public sewer is within 100 feet (30.5 meters) of the property line.

(B) In the event that any property owner, occupant or lessee shall neglect, fail or refuse, within a period of ten days after second 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, to make such connection, the governing body 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.
(1976 Code, § 3-204) (Ord. 629, passed 5-8-1980)

§ 55.05 CONNECTION TO PUBLIC SEWER; NOTICE.

(A) When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

(B) In the event that any property owner, occupant or lessee shall neglect, fail or refuse, within a period of ten days after second 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, to make such connection, the governing body 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.
(1976 Code, § 3-206) (Ord. 629, passed 5-8-1980)

§ 55.06 SERVICE CONTRACTS.

(A) 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.

(B) If any customer shall move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he or she shall at once inform the Sewer Commissioner who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the Sewer Commissioner is otherwise advised of such circumstances.

(1976 Code, § 3-207)

§ 55.07 REPAIRS AND REPLACEMENT.

(A) (1) The city's 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.

(2) 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) (1) The city's Clerk/Treasurer 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.

(2) If, within 30 days of mailing such notice, the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection.

(1976 Code, § 3-210) (Ord. 758, passed 9-6-1984)

Statutory reference:

Related provisions, see Neb. RS 18-1748

§ 55.08 CLASSIFICATION FOR FEES.

The governing body may classify for the purpose of rental fees the customers of the city's Sewer Department; provided that, such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(1976 Code, § 3-211)

Statutory reference:

Related provisions, see Neb. RS 17-925.02

§ 55.09 USER CHARGE SYSTEM.

(A) (1) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may by ordinance designate to be paid by the user charge system. The portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this division (A) and division (B) below.

(2) The portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in division (A)(a) above shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

(a) An account designated for the specific purposes of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account); and

(b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in the amount of \$7,631 annually.

(3) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. 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 rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred moneys will be returned to their respective amounts within the fiscal year following the fiscal year in which the moneys were borrowed.

(1976 Code, § 3-212)

(B) The following classes of users and charges to those users are hereby established.

(1) *Residential.*

<i>Residential - Monthly Use Rate</i>	
Base charge	\$30, plus commodity fee (see below)
Commodity fee per 1,000 gallons	\$1.25
NOTES TO TABLE: Sewer usage charge shall be based on water usage computed on the average monthly usage during the months of December, January and February.	

(2) *Business and commercial.*

<i>Business and Commercial - Monthly Use Rate</i>	
Base charge	\$30, plus commodity fee (see below)
Commodity fee per 1,000 gallons	\$1.25
NOTES TO TABLE:	
(1) Any business or commercial account that waters its lawn or landscaping will have its sewer charged based on average monthly water usage during the months of December, January and February.	
(2) All other businesses or commercial accounts will be charged sewer rates based on actual monthly water usage.	

(3) *Surcharges.*

(a) Sewer surcharges shall apply to all customers discharging wastewater with a five-day biological oxygen demand (BOD) greater than 300 mg/l per weight or containing more than 350 mg/l by weight total suspended solids (TSS) or containing more than 50 mg/l by weight of total Kjeldahl nitrogen (TKN-ammonia).

(b) Monthly loading rates shall be calculated with the average monthly water use and monthly laboratory testing.

1. The surcharge rate for excess BOD shall be billed at the rate of \$0.35/lb.
2. The surcharge for excess TSS shall be billed at the rate of \$0.35/lb.
3. The surcharge for excess TKN shall be billed at the rate of \$0.35/lb.

(4) The effective date of this division (B) shall be 3-1-2016.
(1976 Code, § 3-212.01)

(C) 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 treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council. The user charge rates established in this chapter apply to all users, regardless of their location of the city's treatment works.

(1976 Code, § 3-212.03)

(Ord. 630, passed 9-27-1979; Ord. 655, passed 2-19-1981; Ord. 897, passed 5-12-1986; Ord. 1036, passed 6-17-1991; Ord. 1117, passed 11-21-1994; Ord. 1242, passed 10-20-1997; Ord. 1379, passed 6-6-2005; Ord. 1383, passed 10-24-2005; Ord. 1424, passed 8-8-2011; Ord. 1460, passed 1-18-2016)

§ 55.10 PAYMENT OF CHARGES.

(A) All users shall be billed monthly. Billings for any particular month shall be made within 30 days after the end of that month. Payments are due when the billings are made. Any payment not received within ten days after the billing is made shall be delinquent.

(B) (1) If delinquent for more than 30 days, water and/or sewer service shall be discontinued.

(2) After payment of the delinquent payment, plus a reconnection charge of \$3, service will be restored.

(1976 Code, § 3-213) (Ord. 655, passed 2-19-1981)

§ 55.11 USER CHARGE REVIEW.

(A) The city will review the user charge system 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. For the flat rate system of user charges, any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

(B) The city will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

(1976 Code, § 3-214) (Ord. 655, passed 2-19-1981)

§ 55.12 MANHOLES.

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

(1976 Code, § 3-215) Penalty, see § 55.99

§ 55.13 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the

Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.
(1976 Code, § 3-216) (Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.14 HAZARDOUS AND PROHIBITED DISCHARGES; 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 sewage treatment plant including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;

(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 sewage works; and

(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 sewage works 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 fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.
(1976 Code, § 3-217)

(B) (1) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

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

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

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower (seventy-six-hundredths hp metric) or greater shall be subject to the review and approval of the Superintendent;

(d) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;

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

(f) 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;

(g) Any waters or wastes having a pH in excess of 9.5;

(h) 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; and/or

4. Unusual volume of flow or concentration of wastes constituting "slugs", as defined herein.

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

(j) Any waters or wastes having:

1. A five-day BOD greater than 300 parts per million by weight;

2. Containing more than 350 parts per million by weight of suspended solids; or

3. Having an average daily flow greater than 2% of the average sewage flow of the city, shall be subject to the review of the Superintendent.

(2) Where necessary, in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

- (a) Reduce the biochemical oxygen demand to 300 parts per million by weight;
- (b) Reduce the suspended solids to 350 parts per million by weight; or
- (c) Control the quantities and rates of discharge of such waters or wastes.

(3) 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.

(1976 Code, § 3-218)

(C) (1) 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 division (B) above, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of division (H) below.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(1976 Code, § 3-219)

(D) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that, such interceptors shall not be required for private 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.

(1976 Code, § 3-220)

(E) 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 or her expense.

(1976 Code, § 3-221)

(F) (1) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

(2) Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(1976 Code, § 3-222)

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

(1976 Code, § 3-223)

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

(1976 Code, § 3-224)

(Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.15 DESTRUCTION OF PROPERTY.

No unauthorized 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 sewage works.

(1976 Code, § 3-225) (Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.16 INSPECTIONS.

(A) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
(1976 Code, § 3-226) (Ord. 629, passed 5-8-1980)

(B) While performing the necessary work on private properties referred to in division (A) above, the Superintendent 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 and 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 as required in § 55.14(F) of this chapter.
(1976 Code, § 3-227)

(C) (1) The 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.

(2) 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.
(1976 Code, § 3-228)
(Ord. 629, passed 5-8-1980)

PRIVATE SEWAGE DISPOSAL**§ 55.30 WHEN APPLICABLE.**

Where a public sanitary or combined sewer is not available under the provisions of § 55.04 of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.
(1976 Code, § 3-205) (Ord. 629, passed 5-8-1980)

§ 55.31 PERMIT REQUIRED; FEE.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Sewer Commissioner. The application for such permit shall be made on a form furnished by the Board of Public Works, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Sewer Commissioner. A permit and inspection fee determined by the Board of Public Works shall be paid at the time the application is filed.

(1976 Code, § 3-205.01) (Ord. 629, passed 5-8-1980; Ord. 1293, passed 6-25-2001)

§ 55.32 PERMIT; WHEN EFFECTIVE; INSPECTIONS.

(A) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent.

(B) He or 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.

(C) The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
(1976 Code, § 3-205.02) (Ord. 629, passed 5-8-1980)

§ 55.33 SPECIFICATIONS.

(A) The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements of the state's Department of Environmental Control.

(B) No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 10,000 square feet.

(C) No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(1976 Code, § 3-205.03) (Ord. 629, passed 5-8-1980)

§ 55.34 WHEN NOT APPLICABLE.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 55.04 of this chapter, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(1976 Code, § 3-205.04) (Ord. 629, passed 5-8-1980)

§ 55.35 MAINTENANCE.

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

(1976 Code, § 3-205.05) (Ord. 629, passed 5-8-1980)

§ 55.36 ADDITIONAL REQUIREMENTS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(1976 Code, § 3-205.06) (Ord. 629, passed 5-8-1980)

BUILDING SEWER INSTALLATION**§ 55.50 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.

(1976 Code, § 3-208) (Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.51 CLASSIFICATION; PERMIT APPLICATION FEE.

(A) There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the Board of Public Works.

(C) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Sewer Commissioner.

(D) A permit and inspection fee determined by the Board of Public Works shall be paid at the time the application is filed.

(E) All sewer taps shall be made using a tapping machine to be furnished by the Board of Public Works.

(1976 Code, § 3-208.01) (Ord. 629, passed 5-8-1980; Ord. 1293, passed 6-25-2001)

§ 55.52 EXPENSE.

All costs and expense incident 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.
(1976 Code, § 3-208.02) (Ord. 629, passed 5-8-1980)

§ 55.53 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.
(1976 Code, § 3-208.03) (Ord. 629, passed 5-8-1980)

§ 55.54 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 subchapter.
(1976 Code, § 3-208.04) (Ord. 629, passed 5-8-1980)

§ 55.55 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 gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
(1976 Code, § 3-208.05) (Ord. 629, passed 5-8-1980)

§ 55.56 UNLAWFUL CONNECTION.

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(1976 Code, § 3-208.06) (Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.57 INSPECTIONS.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer.

(B) The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(1976 Code, § 3-208.07) (Ord. 629, passed 5-8-1980)

§ 55.58 EXCAVATIONS.

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(B) In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the Sewer Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant or lessee of the property.

(1976 Code, § 3-209) (Ord. 629, passed 5-8-1980) Penalty, see § 55.99

§ 55.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 55.15 shall be subject to immediate arrest under charge of disorderly conduct.

(1976 Code, § 3-225)

(C) Any person found to be violating any provision of this chapter except § 55.15 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.

(1976 Code, § 3-229)

(D) (1) Any person who shall continue any violation beyond the time limit provided in division (C) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

(2) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(1976 Code, § 3-230)

(Ord. 629, passed 5-8-1980)