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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

A. The City currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The City operates the city utilities through the utility superintendent, who shall have the direct management and control of city utilities. The superintendent shall have the authority to make rules and regulations for the sanitary and efficient management of the city utilities, subject to the supervision and review of the City Council.

B. The City has the right and power to tax assets and collect from its residents such tax, rent, or rates for the use and benefit of the water used or supplied to them by the water system, for use of the sewer system and for garbage pickup service operated by a contracted company. The City Council is authorized to establish by ordinance such rates for water, sewer and garbage pickup service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be kept on file in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-531, 17-538, 17-542, 17-925.1, 18-509) (Ord. No. 17-01-01, 1/2/17)

SECTION 7-102: CONSUMER'S APPLICATION; SERVICE DEPOSIT

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to pay a deposit and hookup fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. The clerk shall then forward the application to the utility superintendent for approval. A new application and payment of the above fees shall be required for every dwelling even though it is located on a lot already equipped with utility services. Utility services shall not be supplied to any house or private service pipe except upon the order of the superintendent.

B. The deposit shall be refunded to the customer if his or her bills have been paid on time for one year. At the time any service deposit is returned to the consumer, the City will not pay any interest that may have accrued on such amount.

C. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this - shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

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

SECTION 7-103: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the City and who desires to connect to city water and sewer service shall file a written application with the city clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises is devoted, and such other information as the City Council may require. The entire cost of pipe and other installation charges shall be paid by such consumer. Nonresidents shall pay such tap fees as have been set by the council by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the City to provide water and sewer service to nonresidents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the City and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the city utilities by a new consumer thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the utility superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

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

(Neb. Rev. Stat. §17-537)

SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY

A. Charges for water, sewer and garbage pickup shall be due and payable bi-monthly at the office of the city clerk. The utility superintendent shall read or cause the meters be read during the third week of the month prior to the due date of the bill. The joint utility bills shall be mailed so as to arrive on or near the due date. Bills not paid by the 30th day of the first month of each bi-monthly billing shall be deemed delinquent. All accounts not paid in full by the 30th of the month the bill is mailed will be assessed

a service charge of 10% of the bill or \$25.00, whichever is greater.

B. Upon being deemed delinquent as herein defined, the city clerk shall give written notice to the consumer of such delinquency and shall demand payment immediately. In the event the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the utility superintendent to cut off service at any time pursuant to Section 7-106. The utility superintendent shall assess an additional fee, set by resolution of the City Council and kept on file at the office of the city clerk, in the event that water is shut off to compensate the City for the additional hookup necessary to again provide water service to the delinquent customer. All amounts due shall be paid prior to reconnection.

(Neb. Rev. Stat. §§17-538, 17-542)

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

A. No city utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice at least seven days prior to termination, weekends and holidays excluded, by mail to any subscriber whose service is proposed to be terminated. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

B. Prior to the discontinuance of service to any domestic subscriber by a city utility, the subscriber upon request shall be provided a conference with the City Council as described below. The council shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

C. The notice required herein shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of 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 any 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 shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse'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, excluding holidays and weekends, and will prevent the disconnection of the utility's service for a period of at least thirty days from such filing. Only one postponement of disconnection shall be required under this subdivision for each incidence of nonpayment of any past-due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the 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 caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the board of directors or administrative board of any utility.

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

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

(Neb. Rev. Stat. §§70-1603 through 70-1615)

SECTION 7-107: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the

payment of utility charges. It shall be the duty of the city clerk to report monthly to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-108: PLUMBER'S LIABILITY

No plumber shall do any work upon the service pipe or any other portion of the plumbing system of any premises either within or without a building in an amount of \$100.00 or more without first securing a permit from the City Council to do such work. All plumbing shall be done in the manner required by the city plumbing code or according to acceptable plumbing practices of the area. Plumbers who connect with the public water or sewer system shall be held responsible for any damage to the pipes or the public ways and property; provided, all resurfacing of streets made necessary because of installation of water or sewer service shall be done by the City at its own expense. The said plumber shall be at all times subject to the inspection and approval of the utility superintendent. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. Nothing herein shall be construed to apply to persons, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system. (Neb. Rev. Stat. §17-537)

SECTION 7-109: RIGHT OF ENTRY FOR INSPECTION

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

SECTION 7-110: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, damage, deface or tamper with any building, machinery, apparatus, fixture, attachment, or appurtenance of the water or sewer system. 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 utility superintendent. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or other appropriate offense.

SECTION 7-111: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier

of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

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

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-107 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

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

SECTION 7-112: DIVERSION OF SERVICES; PENALTY

A. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a city utility. The City may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

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

1. The amount of actual damage or loss if such amount may be reasonably calculated; or

2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the City may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

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

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

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

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

Article 2 – Water Department

SECTION 7-201: DEFINITIONS

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

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

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

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

SECTION 7-202: CONNECTION TO WATER SYSTEM

A. The City through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the mayor and City Council, to hook up with the city water system in accordance with the provisions of this article within ten days after the date of official notice to do so. The utility superintendent shall have the authority to refuse to turn on the city water to any premises until the plumbing has been made to comply with all statutory sections.

B. The City may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide water service to persons whose property line is not within 300 feet of the said main.

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

D. Private wells previously constructed and operating prior to the City's estab-

ishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health.

(Neb. Rev. Stat. §17-532)

SECTION 7-203: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-204: INSTALLATION

A. Upon approval of an application for water service, the City shall be responsible for tapping the main and for installation of the supply pipe from the main to or near the customer's property line, including installation of the corporate cock, stop box, stop cock, and meter, where a meter is required. The customer shall then be responsible for installation of the service pipe from the property line to the point of dispersement. Private plumbers will be allowed to make connections at the tap. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the utility superintendent, provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council.

B. The utility superintendent shall inspect all private plumbing or water connection of every kind and character which are connected with each system of water main and shall pass on the character of all the plumbing. If it is his or her opinion that any work proposed to be connected to said system is not satisfactory or safe, he or she shall have the power to refuse to turn on the water to such premises until the plumbing has been made satisfactory. The utility superintendent may require work to be tested before being attached to said system of water main pipes.

C. In the event the owners of a water line refuse to repair a leak, the superintendent shall have the authority to shut off water until the leak is repaired. It is the responsibility of any user of water who allows water service to be extended from his or her water service line to one or more users on the same lot or adjoining lot to furnish a shut-off between his or her line and the other extended service line and to allow the utility superintendent to come on or into the premises to shut off the water service in case of a leak. If there is not a shutoff provided which is connected to the main, then the water user shall pay the water for both his or her service and the service of other users connected to his or her service line in case other users do not pay their water bill. Each additional user shall pay the same rate as the first user.

(Neb. Rev. Stat. §17-542) (Ord. No. 528, 04/02/12)

SECTION 7-205: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient 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. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the utility superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer. After service pipes are laid, the alleys and sidewalks shall be restored to good condition but all resurfacing of streets made necessary because of installation of water service shall be done by the City at its own expense.

B. All installations or repairs of pipes require two inspections by the utility superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent.

(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-206: REPAIRS AND MAINTENANCE

A. Repairs to the service pipe and supply pipe shall be made at the expense of the consumer, while the expenses to the main and any stop boxes shall be made by the City. The City may, in the case of an emergency, repair any service pipe; and if this is done the cost of such repair shall be repaid to the City by the owner of the premises served. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utility superintendent.

B. Whenever the utility superintendent determines that a service line is nonfunctioning, the superintendent shall notify the property owner that nonemergency repairs are required and such repairs shall be paid for by the property owner. The utility superintendent or city clerk shall notify the property owner, if his or her name and address are known, of the required repair by written notice at least 30 days before any action is taken by the City to make said repairs. The property owner is deemed to be the individual who last paid the property taxes on the property as shown on the real estate tax records. If the property owner fails to make the required repairs within 30 days, the City may repair the service line and such repair will be repaid to the City by the property owner served. Such fees paid by the City shall be a lien on the property as provided by Neb. Rev. Stat. §17-539). The City may adopt additional rules and regulations to implement this ordinance.

C. All water meters shall be kept in repair by the City at its expense. When meters are worn out, they shall be replaced and reset by the City at its expense;

provided, 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 utility superintendent 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.

D. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the City shall bear the expense of such test. 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, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utility superintendent.

(Neb. Rev. Stat. §17-537) (Ord. Nos. 520, 11/01/10; 529, 4/2/12)

SECTION 7-207: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utility superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-208: BILLING AND COLLECTIONS

The city clerk shall bill the consumers and collect all money received by the City on the account of the Water Department. Billing and collection procedures are set forth in Section 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-209: WATERING OF PAVED PORTIONS OF STREETS, ALLEYS AND PARKING AREAS

City water users shall not permit the sprinkling of water on the paved portion of any street, alley or parking area.

SECTION 7-210: RESTRICTED USE

The mayor and City Council or the utility superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The City shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the City has no control. (Neb. Rev. Stat. §17-537)

SECTION 7-211: FIRE HYDRANTS

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

SECTION 7-212: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

SECTION 7-213: BACKFLOW PREVENTION; POLICY AND PURPOSE

A. The purpose of these backflow regulations is:

1. To protect the public potable water supply system of the City from the possibility of contamination or pollution within the consumer's internal distribution system or from private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation or control of existing cross-connections actual or potential, between the public or consumer's potable water systems and nonpotable water systems, plumbing fixtures and industrial process systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. These backflow prevention regulations shall apply to all premises served by the public potable water system of the City.

C. These backflow prevention regulations will be reasonably interpreted. It is the City's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

D. The Water Department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The consumer is responsible for preventing contamination of the

water system within his or her own premises.

SECTION 7-214: BACKFLOW PREVENTION; DEFINITIONS

For the purposes of this article, the following terms shall mean:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

"Approved tester" means a person qualified to make inspections; to test and repair backflow prevention/cross-connection control devices and who is approved by the City.

"Authorized representative" means any person designated by the City to administer this cross-connection control ordinance. Unless designated by the City Council, the authorized representative shall be the utility superintendent or any other person he or she may delegate.

"Auxiliary water system" means any water source system that may be available to the building or premises, other than the public water supply.

"Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases or substances into the water distribution system.

"Backsiphonage" means the flowing back of water or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system, provided backflow preventers have been tested and approved by a reputable testing laboratory.

"Containment" means protection of the public water supply by installing a cross-connection control device or air gap separation on the main service line to a facility or as an installation within equipment handling potentially hazardous materials.

"Contamination" means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

"Degree of hazard" means an evaluation of the potential risk to the public health and the adverse affect of the hazard upon the potable water system.

- A. Hazard, health – any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and wellbeing of the water consumer.
- B. Hazard, plumbing – a plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separator or backflow prevention device.
- C. Hazard, polluttional – an actual or potential threat to the physical properties of the water system or to the potability of the public or consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
- D. Hazard, system – an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Isolation" means protection of a facility service line by installing a cross-connection control device or air gap separation on an individual fixture, appurtenance or system.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrades its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

SECTION 7-215: BACKFLOW PREVENTION; CROSS-CONNECTIONS PROHIBITED

A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system may exist unless such actual or potential cross-connections are abated or controlled to the

satisfaction of the City and as required by the laws and regulations of the Nebraska Department of Health or its authorized representative.

B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Department as necessary for the protection of health and safety.

SECTION 7-216: BACKFLOW PREVENTION; AUXILIARY WATER SYSTEM

It shall be unlawful for any person to maintain any auxiliary water supply system which is physically connected to the public potable water system in any manner.

SECTION 7-217: BACKFLOW PREVENTION; SURVEY AND INVESTIGATION

A. The consumer's premises shall be open at all reasonable times to the City's authorized representative for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system.

B. On request by the City's authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises and in the consumer's water system to determine whether there are actual or potential cross-connections. The consumer shall provide the survey results to the City or its authorized representative.

SECTION 7-218: BACKFLOW PREVENTION; WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the superintendent a health, plumbing, pollution or system hazard exists.

B. An approved air gap separation or backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the utility superintendent, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes but is not limited to the following:

1. Premises having internal cross-connections which are not correctable, or

intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;

2. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist;
3. Premises having a repeated history of cross-connections being established or re-established.
4. Premises which, due to the nature or the enterprise therein, are subject to recurring modification or expansion;
5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
6. Premises where toxic or hazardous materials are handled such that if a backsiphonage or backpressure should occur, a serious health hazard may result.

C. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or approved backflow prevention device may be required by the City or its authorized representative or the Nebraska Department of Health to protect the public water supply, and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the City or its authorized representative and the Nebraska Department of Health:

1. Agricultural chemical facilities;
2. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;
3. Premises having water recirculating systems as used for boilers or cooling systems;
4. Bulk water loading facilities;
5. Car washes, automobile servicing facilities;
6. Chill water systems;
7. Feedlots;
8. Fire suppression systems;
9. Hazardous waste storage and disposal sites;
10. Irrigation and lawn sprinkler systems;
11. Laundries and dry cleaning;
12. Beauty salons, barbershops, massage parlors, health clubs;
13. Schools;
14. Sewage treatment plants, sewage pumping stations, or storm water

- pumping stations;
15. Testing laboratories, film laboratories, film development facilities;
 16. Food or beverage processing plants;
 17. Chemical or petroleum processing and storage plants;
 18. Premises having radioactive materials, such as laboratories, industries and hospitals;
 19. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons;
 20. Properties with any of the following conditions;
 - a. Livestock waterers and tank fillers;
 - b. Use of hose aspirators for spraying chemicals;
 - c. Swimming pools, hot tubs and spas;
 - d. Faucets, hydrants and hose bibs with hose threads;
 - e. Plumbing fixtures with faucet mouth below rim;
 - f. Water softeners and home water treatment systems;
 - g. Heat pumps;
 - h. Heat exchangers using coils or water jackets;
 - i. Soft drink dispenser and bar carbonators;
 - j. Commercial type flush valve urinals and toilets;
 - k. Bidet or sitz bath;
 - l. Trough urinal.
 21. Other commercial or industrial facilities which may constitute potential cross-connection conditions.

SECTION 7-219: BACKFLOW PREVENTION; TYPE OF PROTECTION

The type of protection required under these regulations shall depend on the degree of hazard that exists, as follows:

- A. An approved air gap shall be installed where the potable water supply system may be contaminated with any substance that could cause a severe health hazard;
- B. An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard;
- C. An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.
- D. An approved air gap separation or approved backflow prevention device, check valve, vacuum breaker or other pressure release system shall be installed where the public potable water system may be contaminated from connection to a sprinkler system. No annual testing of the sprinkler system is required.

SECTION 7-220: BACKFLOW PREVENTION; DEVICES

Any approved backflow prevention device required by these regulations shall be of a model or construction approved by the City or its authorized representative and the Nebraska Department of Health.

A. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel but in no case less than one inch.

B. Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection, maintenance and performance standards.

C. Any backflow preventer which does not meet current protection standards shall be replaced with an approved backflow preventer at the customer's expense.

SECTION 7-221: BACKFLOW PREVENTION; INSTALLATION

A. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the City's authorized representative. All devices shall be installed at the expense of the consumer.

B. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or as close to the meter as is reasonably practical and in any event, prior to any other connection.

C. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to the manufacturer's recommendations.

SECTION 7-222: BACKFLOW PREVENTION; TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City's authorized representative. Actual testing shall be at the expense of the consumer. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City. If testing shall require entry into the premises, the City's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten days in advance by first class mail. If the consumer cannot make the appointment, he or she shall contact the City's authorized representative to arrange another date and time.

SECTION 7-223: BACKFLOW PREVENTION; AUTHORIZED REPRESENTATIVE

The authorized representative shall have the authority to issue any order consistent with the provisions of these regulations in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by first class mail.

SECTION 7-224: BACKFLOW PREVENTION; APPEALS

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

SECTION 7-225: BACKFLOW PREVENTION; VIOLATIONS

The City's authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the authorized representative or if it is found that the backflow prevention device has been removed or bypassed or if an unprotected cross-connection exists. Water service to such premises shall not be restored until the consumer is in compliance with these cross-connection regulations to the satisfaction of the City's authorized representative. Any person who shall violate or refuse to comply with the enforcement of any of these regulations shall be subject to Section 7-601 (Penal Provision).

SECTION 7-226: BACKFLOW PREVENTION; CONFLICTS WITH OTHER CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the plumbing code adopted by the City and the rules and regulations of the Nebraska Department of Health. In the event of conflicting provisions, the most restrictive shall apply.

SECTION 7-227: BACKFLOW PREVENTION; LIABILITY CLAIMS

The authorized representative shall be relieved from personal liability. The City shall hold harmless the authorized representative when acting in good faith and without malice from all personal liability for any damage that may occur to any person or property

as a result of any act required or authorized by these regulations or by reason of any act or omission of the authorized representative in the discharge of his or her duties hereunder. Any suit brought carrying out the provisions of the regulations shall be defended by the City or its insurance carrier, if any, through final determination of such proceeding.

SECTION 7-228: WELLS AND OTHER UNDERGROUND FACILITIES; DRILLING AND OPERATION; DISTANCE FROM CITY WATER SOURCES

A. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the City without first having obtained the proper permit from the City Council: potable water well, any other well; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit to drill and/or operate any of the facilities listed above, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the City Council. Such application must be presented to the council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, then the City Council must approve or deny said permit.

C. Under no circumstances shall the City Council approve any permit to drill or operate any of the below-described facilities within the indicated number of feet from the city water wells:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DEE 4/4/10)

D. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the City and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the

City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 5 of this code.

Article 3 – Sewer Department

SECTION 7-301: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

SECTION 7-302: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

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

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

C. It shall be unlawful to construct or maintain any privy, privy vault, cesspool,

septic tank or other similar facility intended or used for the disposal of sewage.

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

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

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

SECTION 7-303: CONNECTION TO SEWER SYSTEM

A. The City through its Sewer Department shall furnish sewer service to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the mayor and City Council, to hook up with the city sewer system in accordance with the provisions of this article within ten days after the date of official notice to do so. The utility superintendent shall have the authority to refuse to turn on the city water on any premises until the sewer plumbing has been made to comply with all statutory sections.

B. The City may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each habitable building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the City, the

mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-575, 18-503)

SECTION 7-304: INSTALLATION

A. Upon approval of an application for sewer service, the City shall be responsible for tapping the main and for installation of the supply pipe from the main to or near the customer's property line. The customer shall then be responsible for installation of the service pipe from the property line into the premises. Private plumbers will be allowed to make connections at the tap. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the utility superintendent, provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council.

B. The utility superintendent shall inspect all private plumbing or sewer connection of every kind and character which are connected with each system of sewer main and shall pass on the character of all the plumbing. If it is his or her opinion that any work proposed to be connected to said system is not satisfactory or safe, he or she shall have the power to refuse to turn on the water to such premises until the plumbing has been made satisfactory. The utility superintendent may require work to be tested before being attached to said system of sewer main pipes.

(Ord. No. 528, 04/02/12)

SECTION 7-305: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a hookup fee to the City, as provided in Section 7-103. The utility superintendent in his or her discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation; provided, the cost of resurfacing the city streets shall be paid by the City. (Neb. Rev. Stat. §18-503)

SECTION 7-306: INSTALLATION; USE OF EXISTING SEWERS

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

SECTION 7-307: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; however, the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. This section shall not apply to mobile homes and trailers legally parked in approved trailer or mobile home courts within the City. (Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

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

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

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient 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. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the utility superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer. After service pipes are laid, the alleys and sidewalks shall be restored to good condition but all resurfacing of streets made necessary because of installation of sewer service shall be done by the City at its own expense.

B. All installations or repairs of pipes require two inspections by the utility superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent.

(Neb. Rev. Stat. §18-503)

SECTION 7-310: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utility superintendent, provided the same have been previously approved by the City Council.

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utility superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.

(Neb. Rev. Stat. §18-1748)

SECTION 7-311: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the utility superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for sewer usage until the water is turned on again. (Neb. Rev. Stat. §18-509)

SECTION 7-312: BILLING AND COLLECTIONS

Sewer bills shall be due and payable quarterly at the office of the clerk in the same manner and on the same date as water service bills are collected. The same collection procedures, fees and delinquent bills that apply to water bills shall also apply to sewer bills. The City may cut off water service for unpaid sewer bills in the same manner as water service charges are collected. Billing and collection procedures are set forth in Section 7-105. (Ord. No. 517, 8/3/09)

SECTION 7-313: MANHOLES

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

Article 4 – Solid Waste

SECTION 7-401: CONTAINERS; RATES

All garbage, waste, decayed or semisolid matter or refuse shall be disposed of by the owner or occupant of the premises in this City in a container having a capacity of 30 gallons or less or stacked in durable bags of such nature that it can be picked up and put in trucks. The rates for garbage hauling and disposal shall be set from time to time by resolution of the City Council.

SECTION 7-402: DISPOSAL AND RESPONSIBILITY

No person shall dispose of any refuse, garbage or rubbish except in the manner provided in this article. The owner or occupant of the premises shall be responsible for the disposal of the refuse, garbage or rubbish.

SECTION 7-403: CONTRACT FOR DISPOSAL AND HAULING

The City Council may enter into a contract or contracts with persons or firms for the hauling and disposition of garbage.

SECTION 7-404: BILLING AND COLLECTIONS

Garbage bills shall be due and payable bi-monthly at the office of the city clerk in the same manner and on the same date as water service bills are collected. The same collection procedures, fees and delinquent bills that apply to water bills shall also apply to garbage bills. The City may cut off water service for unpaid garbage bills in the same manner as water service charges are collected. All locations within the City which have water service to a residence or business shall be required to pay for garbage collection. Billing and collection procedures are set forth in Section 7-105. (Ord. No. 517, 8/3/09)

SECTION 7-405: AUTHORITY

The City Council 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, road and alleys.

SECTION 7-406: NOTICE; REMOVAL

Notice that removal of garbage or refuse when 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.

SECTION 7-407: NUISANCE

If the mayor 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 may 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 with Section 6-506, if such garbage or refuse has not been removed.

SECTION 7-408: LIEN

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

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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