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CHAPTER 6 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 6-101: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

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

B. The notice shall contain the following information:

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

under this section and will prevent the disconnection of the City's service for a period of 30 days from each such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past-due account;

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

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

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

E. This section shall not apply to any disconnections or interruptions 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.

(Ref. Neb. Rev. Stat. Sec. 70-1602 et. seq.)

SECTION 6-102: UTILITY HOOKUP; DEPOSIT

A. An all-inclusive utility hookup deposit fee has been established in the amount of \$250.00. All applicants for utility services shall be required to pay such fee before the City shall provide any utility services to such applicant unless waived pursuant to subsection (B) below.

B. In the event the utility service applicant is a homeowner or business owner and current customer of city utilities and has paid his/her utility bills by the 20th of each month for the past 12 consecutive months, the utility deposit fee will be waived.

C. In the event that the applicant cannot supply a good credit reference from his/her previous utility supplier or other credit source, the amount of deposit shall be \$400.00.

D. Such deposits shall be paid to the city treasurer, who shall maintain a record of such deposits. If the applicant owns the property for which utility services are provided and promptly pays all utility charges before they become delinquent for a consecutive period of 12 months, the treasurer shall refund the deposit to the applicant. Because of the transitory nature of home/apartment renters, their deposits shall not be returned to them until such time as they move from the premises served.

Article 2 – Water Department

SECTION 6-201: OPERATION AND FUNDING

The City owns and operates the city Water Department through the water commissioner. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the Water Department may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the city treasurer. The water commissioner shall have the direct management and control of the city Water Department and shall faithfully carry out the duties of his 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 City Council, which shall set the rates to be charged for services rendered by ordinance. A copy of the rates shall be filed in the office of the city clerk for public inspection during office hours. (Ref. Neb. Rev. Stat. Sec. 17-531, 17-534, 19-1305)

SECTION 6-202: DEFINITIONS

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

"Consumer" is hereby defined to be a consumer who is an occupant of a single family residence, an occupant of each unit of a multi-family residence, apartment house or trailer court, an occupant of a business building, an occupant of one unit of an office building or other building where multiple offices of businesses are located or a permanent resident of a hotel or motel. Because of the transient nature of occupancy existing in a hotel or motel, each four units or rooms of said hotel or motel not occupied by permanent residents shall be computed as one consumer. The term "consumer" includes user, lessee, customer and subscriber and shall be any individual, partnership, company, public or private corporation, political subdivision or agency of the State Department, agency or instrumentality of the United States or any legal entity who utilizes the water service of the City.

"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.

"Owner" includes lessor and record owner, and is hereby defined as any person who has legal title to the property upon which city water/sewer service is connected to. An owner may also be a consumer when directly utilizing the water/sewer service of the City as any consumer.

SECTION 6-203: APPLICATION; TAP FEE

A. Every person or persons desiring a supply of water must make application therefor to the water commissioner on forms provided by the water commissioner. The application shall state for what purpose the water shall be used, and the permit issued by the water commissioner shall restrict such use to that use which has been applied for. The water commissioner shall not issue a permit for water use if the use of such water would violate any other provisions of Neligh's municipal ordinances or rules and regulations of the Nebraska Department of Environmental Quality. Water may not be supplied to any house or private service pipe except upon the order of the water commissioner.

B. For each new water connection to premises within the corporate limits, the tap fee shall be \$250.00. (Am. Ord. No. 476, 1/8/08)

C. For each new water connection to premises outside the corporate limits, the tap fee shall be such amount as the water commissioner shall determine based on the cost of pipe and fittings.

D. An all-inclusive utility deposit shall be paid as set forth in Section 6-102.

SECTION 6-204: SERVICE TO NONRESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the owner. Nothing herein shall be construed to obligate the City to provide water service to nonresidents. (Ref. Neb. Rev. Stat. Sec. 19-2701)

SECTION 6-205: WATER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations and water rates hereinafter named in this article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and owner and the City, to which said contract both parties are bound.

B. If the consumer or owner shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the water commissioner or his/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 commissioner or his/her agent. It shall be unlawful to construct or maintain any private well within the city limits on property, any part of which is less than 500 feet of a city water line, except when the private well:

1. Is used for non-household use and there are no cross-connections with any City water line; and
2. Existing wells, not otherwise in violation with any provision of the Neligh municipal code.

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

SECTION 6-206: INSTALLATION PROCEDURE

A. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, and during the night, warning lights. 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 owner. All installations or repairs of pipes require two inspections by the water commissioner. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the owner's responsibility to notify the commissioner at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the water commissioner; provided that the said rules, regulations and specifications have been reviewed and approved by the City Council.

B. No main shall be tapped or connections made when the ground is frozen, except by special permission of the water commissioner. No person shall make any excavation in any streets or highway within six feet of any laid water pipe while the ground is frozen or dig up or uncover so as to expose to the frost any water pipe of this city except under the direction of the water commissioner.
(Ref. Neb. Rev. Stat. Sec. 17-537)

SECTION 6-207: INSTALLATION EXPENSE

A. In the event that the water main is located adjacent to the applicant's premises, the City will bear the expense of bringing the water line to the applicant's property line and will provide the stop cock at that point. The applicant will be responsible for the cost from such stop cock to his/her house or building. If the water main is not adjacent to the applicant's property, the City will bear the expense of bringing the water main the first 150 feet from the main to the applicant's property and will supply the stop cock. Beyond the first 150 feet, the applicant will be required to bear the expense of bringing the water line to the house or building.

B. All water meters shall be of a type and model furnished by the City. All premises connected with the water system of the City shall have a water meter placed therein. A standard residential meter will be provided at no expense to the property owner. In the event that the property owner requests a meter larger than a standard residential meter, the difference in cost between a standard meter and that provided shall be paid by the property owner. Every new building or structure shall have a new meter or meters installed therein.

C. All water meters shall be installed inside the residence building or structure which the said connection serves or in a building or structure which is heated and approved by the City to protect such meter and connection from weather and provide conditions for proper maintenance. On any new installation or replacement there shall be a shutoff valve placed in the water line on each side of the meter, going into and out of said meter. The property owner shall be responsible for damage to any meter caused by the owner's actions.

D. An application for water and sewer service or a contract must be signed by the customer and must be on file in the city's Water and Sewer Department before any water shall be furnished to any customer. Application blanks shall be available at the Water Department.

(Ref. Neb. Rev. Stat. Sec. 17-542) (Am. Ord. No. 446, 9/13/05)

SECTION 6-208: REPAIRS

A. Repairs to the supply pipe and service pipe, including the corporate cock, shall be made by and at the expense of the owner. In the event the owner should fail or refuse to make such necessary repairs in a reasonable time, the City may make such repair(s) and the water commissioner shall bill and collect for the same in the same manner as water rent is collected, including disconnection if necessary. All other repairs to the property of the Water Department, including the meter, shall be made by the City.

B. 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 owner permits or allows a water meter to be damaged, injured or destroyed through his/her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the water commissioner shall bill and collect from the owner the cost of such meter repair or replacement in the same manner as water rent is collected, including disconnection if necessary. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. 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 customer'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 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. (Ref. Neb. Rev. Stat. Sec. 17-542)

SECTION 6-209: METERS; INABILITY TO REPAIR

In the event it is impossible to read the meter or the meter is not working accurately, as the case may be, it shall be considered that the amount of water used shall be the amount used during the corresponding period during the preceding year, if a meter was in operation on said premises during that period and water was used for substantially the same purposes during that period of the preceding year, or if the purposes for which water was used during said period and period in question were not substantially the same, the water commissioner shall make such charge as he/she deems reasonable,

subject to the right of the consumer after paying said charge to file a claim for refund with the City Council.

SECTION 6-210: FEES AND COLLECTIONS

A. The City Council has the power and authority to fix the rates to be paid by the water consumers for the use of water. All such fees shall be on file for public inspection at the office of the city clerk. The water commissioner shall bill the consumers and collect all money received by the City on the account of the Water Department. He/she shall faithfully account for and pay to the city treasurer all revenue collected by him/her, taking his/her receipt therefor in duplicate, filing one with the city clerk and keeping the other on file in the Water Department's official records.

B. The foregoing rates shall not be binding on the City for water supplied to premises outside the corporate limits, but in each instance where water is supplied to premises outside the corporate limits, the water commissioner, subject to the approval of the mayor and City Council, shall specify the rate. (Ref. Neb. Rev. Stat. Sec. 17-540)

SECTION 6-211: MINIMUM RATES

A. All water customers shall be liable for the basic service fee provided by ordinance 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 he/she shall not be liable thereafter for water rates until the water is turned on again. The water service rates as adopted by ordinance of the City Council are as follows: (1) a basic water service fee per billing period; plus (2) a charge per 1,000 gallons for consumption of 100,000 gallons or less or (3) a charge per 1,000 gallons for consumption of 100,001 or more gallons.

B. Multiple-family dwellings or condominiums served with one water meter shall be charged according to the rates set forth above; water and sewer charges shall not be apportioned among the apartments or condominium units.

C. The billing period shall be the interval between meter reading based on a month by month basis but may vary depending on the date of reading of meters. Such period shall not be less than 30 days.

(Ref. Neb. Rev. Stat. Sec. 17-542) (Am. by Ord. No. 572, 2/10/15)

SECTION 6-212: SINGLE CONNECTION TO BUSINESS PROPERTY; MULTIPLE BUSINESSES

A. In the event any business premises using city water shall have a single connection to said city water, maintain one restroom or one set of male and female restroom facilities, and have multiple businesses located on the premises all using said one set of facilities, said connection shall be charged one minimum rate and the normal use fee thereafter.

B. In the event of a single connection to city water and there are separate restroom facilities provided for each business, there shall be a minimum billing for each business located on said premises. The billing procedure when more than one minimum is to be charged shall be established in each case as set forth in this chapter for rented premises.

SECTION 6-213: WATER BILLS

A. Water bills shall be due upon receipt and payable monthly at the office of the city clerk. The water commissioner or his/her agents shall cause the meters to be read sufficiently in advance of the first of each month to enable to clerk to send out the bills by the first working day of each month. The water commissioner or his/her agent shall charge and collect from each customer for the amount of water consumed since the last examination together with any other charges, properly itemized, due to the Water Department. Bills not paid within ten days after bills are sent shall be deemed delinquent.

B. Rental property shall be billed as follows:

1. If the owner has a separate water meter and shutoff installed for each rental unit, the owner may elect to have the lessee billed directly by the City. If said lessee has not paid bill within 15 days of receipt thereof, the City shall forthwith notify the owner of said nonpayment and that payment must be received within seven days thereof by owner or lessee, otherwise the City will proceed with collection of the same under the remedies available to it.
2. In the event the owner does not have a separate water and shutoff for each rental unit, the owner shall be billed and responsible for payment. The amount shall be one minimum for each rental unit, together with regular fees for amounts used above the number of minimums so determined. There shall be a separate deposit obtained from owner for each rental unit.
3. Apartment buildings and/or complexes shall be billed one minimum rate for each occupied apartment in addition to usage. The above subsections (1) and (2) shall also apply.

C. Upon being deemed to be delinquent as herein defined, the water commissioner shall proceed with collection under any or all of the following remedies provided:

1. Disconnection as provided herein;
2. Lien as provided herein;
3. Institute a collection lawsuit against owner and/or lessee.

D. The water commissioner shall assess an additional fee set by resolution of the City Council and on file at the office of the city clerk in the event that water is shut off for the nonpayment of any water bill, to compensate the City for the additional hook-up necessary to again provide water service to the delinquent customer.

(Ref. Neb. Rev. Stat. Sec. 17-542, 18-416)

SECTION 6-214: 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 shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of water rent. It shall be the duty of the city clerk to report to the City Council a list of all unpaid accounts due for water together with a description of the premises upon which the same

was used. The report shall be examined, and if approved by the City Council, shall be certified by the city clerk to the county treasurer to be collected as a special tax in the manner provided by law. (Ref. Neb. Rev. Stat. Sec. 17-538)

SECTION 6-215: SINGLE PREMISES

No consumer shall supply water to other families, or allow them to take water from his/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. 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. (Ref. Neb. Rev. Stat. Sec. 17-537)

SECTION 6-216: RESTRICTED USE; LIABILITY OF CITY

The City Council or the water commissioner may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire 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. (Ref. Neb. Rev. Stat. Sec. 17-537)

SECTION 6-217: 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 Water Department. (Ref. Neb. Rev. Stat. Sec. 17-536)

SECTION 6-218: ENTRY FOR INSPECTION AND REPAIR

The water commissioner or his/her duly authorized agent(s) shall have free access and entry at any reasonable time to all parts of each premises and building to, or in which, water is delivered for the purposes of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water or to make any repairs or adjustments as necessary. (Ref. Neb. Rev. Stat. Sec. 17-537)

SECTION 6-219: LEAKAGE; 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 municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

SECTION 6-220: LEAKAGE; CONSUMER'S DUTY TO REPAIR

Any consumer having knowledge of leaking pipes on his/her own premises or between the commercial main and said premises shall cause them to be repaired as soon as possible. It shall be the duty of all city police forthwith to report to the water commissioner any leaking pipes anywhere in this city of which they have knowledge.

SECTION 6-221: LEAKAGE; ADJUSTMENTS TO BILL

No adjustments shall be made to any customer's water bill due to water leaks which oc-

cur, as the customer is responsible for proper care and maintenance of the water meter and all water lines on his/her premises. In the event the water commissioner determines the water from the leak did not enter the City's sanitary sewer system, an adjustment may be made in the customer's sewer bill as set out in the sewer department ordinances.

SECTION 6-222: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the water commissioner.

SECTION 6-223: DIVERSION OF SERVICES

Any person who 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 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 water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

SECTION 6-224: METER TAMPERING

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 water passing through it without the knowledge and consent of the City, shall be deemed guilty of an offense.

SECTION 6-225: UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. When water service has been disconnected pursuant to Neb. Rev. Stat. Sections 70-1601 to 70-1615, or Section 6-101 of this code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

B. Proof of the existence of any 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.
(Ref. Neb. Rev. Stat. Sec. 86-329 through 86-331)

SECTION 6-226: RECONNECTION FEE

In the event a user of city water has had service disconnected, there shall be a fee of \$25.00 for reconnection of said service if done during working hours and there shall be a fee of \$50.00 for reconnection of said service if done outside of regular working hours.

SECTION 6-227: WATER TURNED ON

Water shall not be turned on at the stop box except by the water commissioner or his/her assistants or by his/her permission, except that any plumber may turn the water on temporarily for the sole purpose of testing the pipes.

SECTION 6-228: STOP AND WASTE COCKS IN BUILDINGS

There shall be a stop and waste cock attached to every supply pipe at a point in the building so as to enable the consumer to shut off water and drain the pipes.

SECTION 6-229: PLUMBING REGULATIONS

No person other than the water commissioner or his/her assistants or a licensed plumber under his/her direction shall set meters, tap commercial mains or make a connection to the water service of this city. No person shall install plumbing or water service in this city except in conformity with the National Plumbing Code.

SECTION 6-230: REGULATION OF INSTALLATION OF PLASTIC WATER LINES

A. The installation of plastic water lines shall be permitted within the corporate limits and the zoning area of the City pursuant to the following provisions:

1. Prior to the installation of any plastic water pipe for water service to any premises or property, such installation shall be approved by the water superintendent, who shall designate the type of plastic to be utilized and shall direct the placement of said plastic pipe.
2. All plastic water lines shall be installed with a 14-gauge copper tracer wire attached thereto so that the location of such buried line may be located by metal line sensing devices.
3. Notwithstanding the installation of plastic water pipe, all fittings utilized in the construction of said water line shall be made of brass, with the plastic pipe connected thereto affixed with stainless steel clamps.

B. In the event that any person constructs a plastic water line to any premises without the prior approval and authorization of the water superintendent, said official is hereby authorized and directed to deny water service to such premises until such time as he/she is satisfied that such installed plastic water line conforms to the provisions of this section.

SECTION 6-231: BACKFLOW REGULATIONS; BACKFLOW PREVENTION DEVICE

The water commissioner shall be and hereby is responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants through the water service connection. If, in the judgment of the water commissioner, an approved backflow device is required at the City's water service connection to any customer's premises, the commissioner or his/her delegated agent shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his/her premises. The customer shall, within 90 days, install such approved device or devices at his/her own expense. Failure by reason of refusal or inability on the part of the customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

SECTION 6-232: BACKFLOW REGULATIONS; CONTROL PROGRAM

A. The City will operate a cross-connection control program, to include the keep-

ing of necessary records, which fulfills the requirements of the cross-connection regulations of the Nebraska Department of Health.

B. If the City requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose.

C. The City's water customer may utilize public health officials or personnel from the City or their delegated representatives to assist him/her in the survey of his/her facilities and to assist him/her in the selection of proper fixtures outlet devices and the proper installation of these devices.

SECTION 6-233: BACKFLOW REGULATIONS; RESPONSIBILITIES OF CITY AND OWNER

A. The City shall be responsible for the following:

1. On new installations, the City will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required and will perform inspection and testing. In any case, a minimum of a double check valve will be required in any new construction.
2. For premises existing prior to the start of this program the City, upon request of the customer, will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made.
3. If the City determines at any time that a serious threat to the public health exists by virtue of the customer's failure to install proper backflow protection devices, the water service to such customer's property shall be terminated immediately.
4. The City shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

B. The owner shall be responsible for the following:

1. The owner shall be responsible for the elimination or protection of all cross-connections on his/her premises.
2. The owner, after having been informed by a letter from the City, shall at his/her expense, install, maintain and test, or have tested, any and all backflow preventers on his/her premises.
3. The owner shall correct any malfunction of a backflow preventer which is revealed by periodic testing.
4. The owner shall inform the City of any proposed or modified cross-connection and of any existing cross-connection of which the owner is aware but which has not been found by the City.
5. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners

who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The owner shall install backflow preventers in a manner approved by the City.
7. The owner shall install only backflow preventers approved by the City.
8. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the City's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
9. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspection for non-compliance with village standards.

SECTION 6-234: BACKFLOW REGULATIONS; REPLACEMENT OF BACKFLOW DEVICE

Any existing backflow preventer which is capable of being tested for operability shall be allowed by the City to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device was present.

SECTION 6-235: BACKFLOW REGULATIONS; RECORDS

A. The City will initiate and maintain the following records:

1. Master files on customer cross-connection tests and/or inspections.
2. Master files on cross-connections permits.
3. Copies of permits and permit applications
4. Copies of lists and summaries supplied to the Nebraska Department of Health.

B. The City will submit all backflow reports required by the Nebraska Department of Health.

SECTION 6-236: BACKFLOW REGULATIONS; FEE PUBLICATION

The City will adopt and publish a list of fees or charges for backflow devices: testing fees; re-testing fees; and fee for re-inspection.

SECTION 6-237: CITY WELLS; SAFE ZONE

A safe zone shall be established around each of the City's public wells following the restrictions set by the State Department of Health for purposes of preventing pollution of the municipal water supply. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts or events within the specified footage of any city public water supply

well:

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

(Am. by Ord. Nos. 413, 11/12/02; 574, 2/10/15)

SECTION 6-238: PROHIBITION OF 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 two-tenths percent (.2%) lead, and (2) pipe and pipe fittings, not more than eight percent (8%) lead.

Article 3 – Sewer Department

SECTION 6-301: OPERATION AND FUNDING

The City owns and operates the city sewer system through the water commissioner. For the purposes of defraying the cost of the maintenance and repair of any sewer or water utilities in the City, the City Council may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the City. The revenue from the tax shall be known as the Water and Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system. (Ref. Neb. Rev. Stat. Sec. 17-149, 17-925.01)

SECTION 6-302: DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used herein shall be as follows:

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° degrees C. expressed in milligrams per liter.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system

which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, the building sewer beginning outside the outer wall of the building.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"City" shall mean the City of Neligh, Nebraska.

"City engineer" shall mean the city engineer of the City of Neligh or his/her authorized deputy, agent, or representative.

"Combined sewer" shall mean a public sewer receiving both surface run-off and sewage.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

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

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

"Owner" shall mean any person who, alone or jointly, or severally with others, has legal title to or charge, care or control of in any capacity of property.

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

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

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

"Property" shall mean any piece or portion of real estate, including all buildings and structures located thereon, having a sewer or drainage system which immediately or remotely discharges into a public sewer, natural outlet, or both.

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

"Residence" shall mean property, or that portion of property, used exclusively as a dwelling or living quarters by one or more persons.

"Sanitary sewer" shall mean a public 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 property, together with such ground, surface and storm waters as may be present.

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

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

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

"Slug" shall mean 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 of flows during normal operation.

"Storm sewer" shall mean a public sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Suspended solids" (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"Water commissioner" shall mean the water commissioner of the City of Neligh, Nebraska or his/her authorized representative, deputy or agent.

"Water meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the City.

SECTION 6-303: WATER COMMISSIONER; DUTIES, RULES AND REGULATIONS

The duties of the water commissioner shall include the following:

A. To keep an accurate and complete record of connections made to the sewer, and keep posted to date a sectional map of "Y" branches furnished him/her for this purpose.

B. To keep the public sewer and appurtenances clean and in good working order.

C. To issue permits for sewer connections.

D. To inspect sewer connections.

E. To prepare rules and regulations to implement this article and submit the rules and regulations thus prepared for consideration of the mayor and City Council; and when adopted by the mayor and Council such rules and regulations shall be promulgated according to law and thereafter deemed and considered a part of this section.

SECTION 6-304: CONNECTION REQUIRED; NOTICE

A. It shall be the duty of the water commissioner to order all persons owning property, any part of which is less than 100 feet from a sewer line, to connect all toilets, urinals, sinks, lavatories, laundry tubs, bathtubs, and fixtures of whatever kind and character in or on such property from which water is wasted with the sewer; all such persons shall make such connections within 90 days after the service of notice as here-

in provided.

B. The notice may be served by delivering the same personally to the owner, or by registered mail addressed to such owner at his/her office or place of residence, or by publication in a paper published and of general circulation in the City.

C. 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 within the city limits on a property, any part of which is within 100 feet of where a sewer is laid.

SECTION 6-305: CONNECTION PERMIT REQUIRED

A. 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 water commissioner.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the water commissioner. A permit and inspection fee of \$25.00 for residential and commercial building sewer permits and \$100.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall obtain a tapping saddle from the City at a fair cost determined by the City. 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.

D. The City shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the owner to repair or replace all other sewer pipe and appurtenances from the main to and including the owner's property. All replacements and repairs made by the owner shall be done in the manner and with the materials approved by the water commissioner; provided that the same have been previously approved by the City.

E. 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 public 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.

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

G. 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.

H. 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.

I. 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.

J. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the water commissioner before installation.

K. The applicant for the building sewer permit shall notify the water commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the water commissioner or his/her representative.

L. 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 work shall be restored in a manner satisfactory to the City.

SECTION 6-306: CONSTRUCTION REGULATIONS

A. Any drain which is to be extended under or into any dwelling or other building must in its plan conform to the following requirements:

1. When proposed to be connected to any district sewer, the size of such drain shall be at least four inches in diameter inside of the pipe and there shall not be allowed in such drain, whether connecting to district or public sewer, any trap or any other obstacle or obstruction whatever to the free flow of air and sewage through the whole course of the drain and soil pipe, nor shall any rain or surface water be admitted into the soil pipe, and any plumber who shall directly or indirectly place, make or cause or allow to be placed or made, any trap, contraction or other obstacle anywhere in the course of such pipe, in addition to the penalty herein prescribed shall forfeit his/her license and shall be ineligible for a license for one year and any person offending as above shall be subject to the penalties of this code and shall, in addition, pay the costs of rectifying the wrong done.
2. Every pipe connected with the sewer must be sound and impervious in all its parts and jointed in the best manner.
3. Every connection of a toilet, sink, basin or other vessel connected with the pipe must be separated from it by a trap offering an obstacle to the passage of air equal to not less than three-eighths of an inch depth of water. All details of plumbing work, such as toilet, sink, etc., must be in accordance with the plans and description in the office of the water commissioner

or such other persons as the City Council may appoint. Each soil pipe must be of the uniform size of at least three inches without a trap, open at the top and extending one foot above its outlet in the roof and accessible for inspection its entire length, joints leaded and caulked. All openings through the walls for waste and soil pipes are to be larger than the pipes, so as to allow for settling. If the plan which accompanies the application does not conform to the foregoing requirements, or if such house or soil pipe be not already erected in place, no permit can be issued.

B. Unless special permission to cut the sewer is endorsed on the permit, the junction piece which has been built into the sewer during its construction must be used for connecting all private sewers. In making such connections the junction piece must first be found before opening the trench for the rest of the work. In all cases the trench must be open, of ample width to the place of connection and all rubbish removed so as to permit easy inspection. If there be no junction piece in the sewer already, a permit to cut into the sewer a junction pipe of the size specified in the permit and cut to an angle of 45° by the manufacturer will be granted.

C. When the course of the drain is not the same as the junction piece, it must be connected therewith by a curve of not less than one foot radius as shown in the plans of the water commissioner, and in all changes of direction, either horizontal or vertical, curved pipes must be used; the working of curves by clipping straight pipes will not be allowed.

D. The inside of every drain connecting with a public or district sewer after it is laid must be left smooth and perfectly clean throughout its entire length and the ends of all pipes not to be immediately used must be securely guarded against the introduction of sand or earth, by bricks and cement or other watertight and imperishable materials. All pipes left open for the purpose of draining cellars must be protected against the introduction of solid matters by a suitable grating, box or catch basin to be approved by the water commissioner.

E. The inclination of all private drains shall be as great as possible and never less than one-fourth inch to every one foot, except where grades are run by a competent engineer.

SECTION 6-307: MATERIALS USED, LAYING SEWERS

All sewers in this city which shall be built, rebuilt, extended or repaired, either wholly or in part, shall be only of materials such as shall be approved by the water commissioner or his/her duly authorized agent or as may be from time to time, by resolution, required by the City Council.

SECTION 6-308: SEPARATE TAP AND SUPPLY PIPE FOR EACH PREMISES SERVED

Not more than one separate premises shall be supplied by the same tap or supply pipe without the permission in writing of the public works commissioner, a signed copy of which shall be presented to the mayor and City Council at their next meeting.

SECTION 6-309: SPECIAL SEWER CHARGE TAP FEE

A. There be and hereby is established a special sewer charge tap fee to be determined as set forth below for tapping onto the city owned sewer collector main by any

property owner owning property which has not previously been assessed a sewer line assessment for the construction of the sewer line at the time that the same was constructed. The applicability of the special sewer tap fee shall be determined by the city records for assessment of the sewer projects and shall apply to all property not previously assessed for construction of said sewer line. The city records shall be conclusive in determining whether or not a sewer line assessment has been charged, then the foregoing described fee shall be applicable.

B. The fee assessed herein shall be determined by the city engineer's statement as to the per-foot cost of an eight inch sewer line if the same were constructed at the time that the application for a sewer tap is made. The per-foot cost as estimated by the city engineer shall be multiplied by the front footage owned by the applicant and the tap fee shall be the result of that computation.

C. Prior to the tapping into the city sewer main by any party, an application shall be made to the city clerk and the tap fee levied herein shall be paid. No construction on city property for tapping onto the city main shall be permitted until said tap fee is paid in full. Whenever the City extends its sewer mains at any point within or beyond the city limits and is unable to levy an assessment against a person's property by reason of the fact that at the time said sewer line is constructed the adjacent property owners are maintaining their own private sewer line, then and in that event, said party maintaining their private line shall not be permitted to repair said private line, but when the same ceases to function shall be required to tap onto the newly constructed sewer main and shall pay the sewer tap fee as set forth above.

SECTION 6-310: CUSTOMER DEPOSIT

An all-inclusive utility deposit shall be paid as set forth in Section 6-102.

SECTION 6-311: SEWER RATES

The users of the city sanitary sewer system shall be charged the following rates: (A) a service charge per customer; plus (B) a sewer charge for each 1,000 gallons of water used by the customer during the billing period to a maximum of 50,000 gallons or (C) a sewer charge for each 1,000 gallons of water used by the customer during the billing period in excess of 50,000 gallons. Such charges shall be as set by the City Council and placed on file in the office of the city clerk. (Am. by Ord. No. 572, 2/10/15)

SECTION 6-312: COLLECTION OF SEWER CHARGES

A. All sewer users shall be billed monthly along with the billing for water consumption. The bills are due upon receipt and payable monthly at the office of the city clerk. Bills not paid within 10 days after becoming due shall be deemed to be delinquent.

B. Billings and collection for rental property shall be billed to owner or lessee in the same manner it is determined water service should be billed for the premises.

C. Upon being deemed to be delinquent as herein defined, the water commissioner shall proceed with collection under any or all of the following remedies provided:

1. Disconnection as provided herein;
2. Lien as provided herein;
3. Institute a collection lawsuit against owner and/or lessee.

D. The water commissioner shall assess an additional fee set by resolution of the City Council and filed at the office of the city clerk in the event that sewer is shut off for the nonpayment of any sewer bill, to compensate the City for additional hook-up necessary to again provide sewer service to the delinquent customer.

(Ref. Neb. Rev. Stat. Sec. 17-542, 70-1605)

SECTION 6-313: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was used. The water commissioner shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of sewer rent. It shall be the duty of the water commissioner to report to the City Council a list of all unpaid accounts due for sewer together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the City Council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law.

SECTION 6-314: DISCHARGE OF UNTREATED SEWAGE; UNLAWFUL

It shall be unlawful to discharge to any natural outlet within the City or within two miles of the corporate limits thereof, or in any area under the jurisdiction of the City, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

SECTION 6-315: DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED WATERS

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city engineer or the water commissioner. Industrial cooling water or unpolluted process waters shall be discharged, at the request of the city engineer or the water commissioner, to a storm sewer or natural outlet.

SECTION 6-316: DISCHARGES INTO PUBLIC SEWERS; TYPES NOT PERMITTED

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewer.

A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, exterior or interior foundation drainage or subsurface drainage to any sanitary sewer. Uncontaminated cooling water or heating water and unpolluted industrial process waters may be discharged to a sanitary sewer only if expressly authorized by the water commissioner.

B. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

C. 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 sewage 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.

D. 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.

E. 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, towels, milk containers, etc., either whole or ground by garbage grinders.

SECTION 6-317: DISCHARGES INTO PUBLIC SEWERS; TYPES PERMITTED AT DISCRETION OF WATER COMMISSIONER

No person shall discharge or cause to be discharged to any public sewer the following described substances, materials, waters or wastes if it appears likely in the opinion of the water commissioner that such wastes can harm the public 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/her opinion as to the acceptability of these wastes, the water commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher 150° Fahrenheit or 65° Centigrade.

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° Fahrenheit and 150° Fahrenheit or 0° and 65° Centigrade.

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the water commissioner.

D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions.

E. 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 treatment works exceeds the limits established by the water commissioner for such materials.

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

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the water commissioner in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and 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 of the sewage treatment works.
4. Unusual volume of flow or concentration of wastes constituting slugs.

J. 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 receiving waters.

K. Any waters or wastes having:

1. A five-day biochemical oxygen demand 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 water commissioner.

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

1. Reduce the biochemical oxygen demand to 300 parts per million by weight,
2. Reduce the suspended solids to 350 parts per million by weight, or
3. Control the quantities and rates of discharge of such water or wastes.

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

SECTION 6-318: PROHIBITED DISCHARGES; NATURE OF; SEWER COMMISSIONER'S DISCRETION WITH RESPECT TO

A. If any waters or wastes are discharged, or are proposed to be discharged to

the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-316 and which in the judgment of the water commissioner 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 water commissioner may:

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

B. If the water commissioner 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 water commissioner, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6-319: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided by the owner of all restaurant property and other businesses when, in the opinion of the water commissioner, 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 residences. All interceptors shall be of a type and capacity approved by the water commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 6-320: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER

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

SECTION 6-321: CONTROL MANHOLES

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. 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/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

SECTION 6-322: SAMPLING OF WATERS AND WASTES; METHOD OF

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 sampling station provided or upon suitable samples taken at said sampling station. One

copy of the latest edition of said volume shall be kept on file in the office of the city clerk of the City for use and examination by the public. In the event no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effort 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 should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

SECTION 6-323: TREATMENT OF INDUSTRIAL WASTE; SPECIAL AGREEMENT WITH CITY

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

SECTION 6-324: UNAUTHORIZED ENTRY OR UNAUTHORIZED DAMAGING OF EQUIPMENT; UNLAWFUL

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest and may be prosecuted to the full extent of the law.

SECTION 6-325: RIGHT OF ENTRY; AUTHORITY OF CITY ENGINEER AND WATER COMMISSIONER

A. The city engineer and the water commissioner shall be permitted to enter any property where an effluent source is located other than residences at any time, and residences at such times as may be provided for in other sections as now existing in the Neligh municipal code or as may hereafter be amended, for the purpose of inspection, observation, measurement, sampling, or testing in accordance with the provisions of this article; provided that:

1. If such property be occupied, he/she shall first present proper credentials to the occupant and request entry, explaining his/her reasons therefor, and
2. If such property be unoccupied, he/she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his/her reasons therefor.

B. If such entry is refused or cannot be obtained because of the owner of such property cannot be found after due diligence, the city engineer or the water commissioner shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.

C. Notwithstanding the foregoing, if the city engineer or the water commissioner has reasonable cause to believe that waters or wastes of the types referred to in Sections 6-317 and 6-318 of this article are being discharged from any property into a public sewer or natural outlet, and has reasonable cause to believe that such discharge is so

dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he/she shall have the right, using reasonable means required, to effect such entry and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, he/she shall first present the proper credentials to the occupant and demand entry, explaining his/her reasons therefore and the purpose of his/her inspection. No person shall fail or refuse, after proper demand has been made upon him/her as provided in this paragraph, to promptly permit the city engineer or the water commissioner to make any inspection provided for by this paragraph. Any person violating this paragraph shall be guilty of a misdemeanor.

D. The city engineer and the water commissioner shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries, nor shall he/she have the right to enter into areas where methods and/or processes area which are entitled to protection as trade secrets of the property owner beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

E. While performing the necessary work on the property referred to in this section, the city engineer and the water commissioner shall observe all applicable safety rules established by the owner of the property.

SECTION 6-326: PRIVATE SEWAGE DISPOSAL SYSTEMS

A. Where a public sanitary or combined sewer is not available under the provisions of Section 6-304, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the water commissioner. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the water commissioner. A permit and inspection fee of \$250.00 shall be paid to the City at the time the application is filed.

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

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality's Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lost is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tank, cesspools and similar private sewage disposal facilities shall be abandoned in accordance with the Nebraska Department of Environmental Quality's Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*, at the expense of the owner.

F. Wherever the city sewage system exists or is extended, all private sewage disposal systems are hereby declared to be a nuisance and every person, firm or corporation that owns, controls or is in possession of said premises on which said private sewage disposal system is located shall be deemed guilty of maintaining a nuisance.

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

H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by state or federal law.

I. 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.

SECTION 6-327: WATER COMMISSIONER RELIEVED FROM PERSONAL LIABILITY

The City shall hold harmless the water commissioner, 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 by this article or by reason of any act or omission of the water commissioner in the discharge of his/her duties. Any suit brought against the City or the water commissioner because of any such act or omission in the carrying out of the provisions of this article shall be defended by the city attorney through final determination of such proceedings.

SECTION 6-328: LICENSED PLUMBERS

Only licensed plumbers who have a current license issued by the City of Neligh may connect any house drain with any sewer or lateral of the public sewer system and then only after having notified the water commissioner and under his/her supervision in accordance with such rules and regulations as are then in effect with respect thereto.

SECTION 6-329: GREASE AND WASH RACKS PROHIBITED

It is unlawful for any person to connect any sanitary sewer in this city with any rack or device upon which automobiles are washed, and it shall be unlawful to allow all or any greasy flow from any garage or any other source whatever to enter the sanitary sewer system unless such flow be passed through a grease or mud trap, of the form and construction approved by the water commissioner, which shall at all times be kept clean.

SECTION 6-330: REFUSE PROHIBITED

No one shall throw or deposit garbage or cause or permit garbage to be thrown or deposited in any vessel or receptacle connected with a public sewer unless first processed through a garbage disposal unit approved by the water commissioner.

SECTION 6-331: VENT STACKS PROVIDED

All plumbing which is now or hereafter may be done in any building in this city, which said plumbing is or may be connected with the sanitary sewer system of this city, is hereby required to be equipped with one or more suitable vent stacks to prevent the escape of sewer gas into said building.

SECTION 6-332: SEPTIC TANK SEWAGE SYSTEM; PROHIBITED

All new construction of septic tanks or drainage fields is prohibited within the corporate limits of the City. All existing septic tanks and drainage fields may remain, but shall not be replaced in the event of their failure. (Ord. No. 417, 11/12/02)

SECTION 6-333: PENALTIES

A. Any person upon whom a duty is placed by the provisions of this article, who shall fail, neglect or refuse to perform such duty, or who shall violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500.00 for each violation, together with the costs of prosecution. Each day that a violation of this article continues shall constitute a separate and distinct offense and shall be punishable as such; provided, however, that any such person upon whom a duty is placed by the provisions of this article who shall fail, neglect or refuse to perform such duty, or who shall violate any of the provisions of said sections, may be served by the City with written notice stating the nature of such duty or of such violation and providing a reasonable time limit for the satisfactory correction of such duty or violation. Such person shall, within such period of time, perform such duty or cease such violation; otherwise, for each day after such period of time that such person fails, neglects, or refuses to perform such duty or violates such provision, he/she shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as above provided.

B. In addition to, or in lieu of, other remedies provided the City by this article to correct or abate a failure, neglect or refusal to perform a duty imposed by this article or a violation of a provision of this article, the city engineer or the water commissioner may revoke any permit issued under the provisions of this article, and may effect the discontinuation of both such services, to the owner of the property. The City may also institute injunction or other appropriate action or proceeding. However, with the exception of repeated non-accidental discharges to the public sewer of waters or wastes of the types referred to in Section 6-317 (A) through (K), the city engineer or the water commissioner shall give the owner at least 15 days written notice before revoking such permit or discontinuing water or sewer service; except, if within said 15 day period such owner requests a hearing before the hearing board as hereinafter provided, the city engineer or the water commissioner shall not revoke such permit nor discontinue such water or sewer service unless authorized by said board or by a court of competent jurisdiction upon appeal from said board.

C. Any person who accidentally discharges into a public sewer any waters or wastes of the types referred to in Section 6-316 of this article shall immediately notify the water commissioner by the quickest means available, supplying him/her with all information pertaining to such discharge as the water commissioner may request to enable the water commissioner to take proper action to protect persons, public sewers and sewage treatment processes which may be endangered by such discharge. Such an accidental discharge shall not constitute a violation of this article, provided that prompt report of such discharge is made to the water commissioner as aforesaid.

D. Any person upon whom a duty is placed by the provisions of this article, who shall fail, neglect or refuse to perform such duty, or who shall violate any of the provisions of this article, or who is responsible for an accidental discharge as aforesaid, may be held liable to the City for any expense, loss or damage occasioned the City by reason thereof.

Article 4 – Licensed Plumbers

SECTION 6-401: LICENSED PLUMBER DEFINED

The term "licensed plumber" as used in the ordinances of this city is hereby defined to denote any person to whom a plumber's license has been duly issued or renewed, as hereinafter provided, which has not been revoked or terminated by lapse of time.

SECTION 6-402: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a plumber's license shall file in the city office a written application stating his/her willingness to be governed in all respects by the ordinances of this city and all rules and regulations now in effect or hereafter to be adopted by said city concerning its utility systems. Such application shall be presented by the city clerk to the City Council at its next meeting. The council may grant a license to be issued by the city clerk, authorizing the applicant to engage in business as a licensed plumber in said city for and during the then current municipal year, upon the following conditions:

A. Being satisfied of the business capacity, qualifications and good reputation of the applicant and of his worthiness to receive a license;

B. Applicant's payment of a license fee of \$25.00 to the city clerk;

C. Applicant's filing with the city clerk of a bond with corporate surety to be approved by the City Council in the penal sum of \$2,000.00, conditioned upon his indemnifying and keeping the City harmless from all liability for any damage arising from any negligence or unskilled act in doing or protecting his work or from any unfaithful or inadequate work, and conditioned upon his restoring the streets, alleys, sidewalks and pavements over the pipes he may lay and filling all excavations so as to leave said streets, alleys, sidewalks and pavements in as good condition as he found them, and keeping and maintaining the same in good order to the satisfaction of the City Council for the period of one year next thereafter and that he will pay all fines that may be imposed upon him for a violation of any of the ordinances, rules and regulations adopted by the City and in force during the term of his license. Said license and bond shall cover all employees of the applicant.

SECTION 6-403: RENEWAL OF LICENSES

A. Any license granted as provided in the preceding section may be renewed from year to year, on application therefor, upon payment of the license fee of \$25.00 for the year and the renewal of applicant's bond.

B. If no written complaints are on file with the city clerk since the last renewal period in reference to the work of the applicant, all licenses for plumbers shall be renewed without City Council approval so long as all bonding and other requirements for renewal are complied with.

C. In the event that any written complaints have been filed with the city clerk in regard to the work of any city-licensed plumber within the last license period, no license shall be renewed by the city clerk until such complaints have been considered and application for license renewal has been approved by the City Council.

(Am. by Ord. No. 404, 11/13/01)

SECTION 6-404: TERM OF LICENSE

The term of each license or renewal may be revoked at any time, at the option of the City Council.

SECTION 6-405: FEES TO BE PAID TO CITY TREASURER

The city clerk shall pay over to the city treasurer all license fees collected pursuant to this article.

Article 5 – City Dump Site and Compactor

SECTION 6-501: DUMP SITE AND COMPACTOR ESTABLISHED

There hereby is established by the mayor and City Council a dumping ground located approximately one-half mile south of Neligh on property owned and controlled by the City, which dump site shall hereinafter be referred to as the south dump site. There is hereby established a compactor station located one mile south and one-fourth mile west of the City, which site shall hereinafter be referred to as the compactor station.

SECTION 6-502: DUMP SITE USES

The south dump site can be used for the disposal of all wood materials which can be burned and all bulky steel, iron or other metal products which cannot be effectively buried. The compactor station shall be used for the disposal of all disposable materials not permitted in the south dump site and the City Council shall designate the times when said compactor may be used and shall spread said hours at large on the minutes of the city records and shall cause said hours to be published in a form to be prescribed by the council so as to effectively notify the citizens of the City as to the hours of operation.

SECTION 6-503: VIOLATION OF USES

The mayor and City Council shall cause said dump site and compactor station to be properly maintained and supervised during all hours which the same are open for public use and said personnel operating said dump site and compactor station during hours of public use shall be authorized to direct customers to the place of dumping particular refuse and all customer shall dump at said designated locations and at no other places in said dump site. Said personnel shall report any violation of dumping regulations to the city attorney, who shall cause a proper complaint to be filed with the county judge for violation of said dumping regulations.

SECTION 6-504: RULES AND REGULATIONS

The City Council shall prescribe rules and regulations for the use and operation of said dump site and compactor station, which rules and regulations shall be prominently displayed at each dump site and compactor station by sign and which rules shall be strictly adhered to by all persons utilizing the said dumping ground and compactor station. It shall be the duty and obligation of the mayor to require all rules and regulations be strictly adhered to and all employees working at the dump site and compactor station shall be subject to the direction and order of the mayor.

SECTION 6-505: CHARGES FOR USE OF SITES

The City Council is hereby authorized to charge an appropriate amount for the use of

said dump site and compactor station. Said charges shall be established by resolution and shall be spread at large in the minute book of the records of the City, and shall also be prominently displayed at said dump site and compactor station.

SECTION 6-506: ALL REFUSE PROPERTY OF CITY

All materials deposited by the residents of the City in either the dump site or the compactor station herein designated shall become the sole and exclusive property of the City, which is hereby authorized to dispose of said refused deposited in whatever manner it deems best. The City shall further have the authority to sell any refuse, car bodies or other debris to any firm for whatever price that it deems acceptable.

SECTION 6-507: SCAVENGING PROHIBITED

All scavenging at either of said dump sites is hereby strictly prohibited, and no one other than city employee maintenance personnel shall be permitted at any dump site except for the sole and exclusive purpose of depositing refuse or debris at said dump site or compactor station.

SECTION 6-508: CUSTOMERS SUBJECT TO RULES AND REGULATIONS

All parties utilizing the said dump site facilities and compactor station shall be subject to the posted rules and regulations as established by the mayor and City Council and posted at each dump site and their failure or refusal to obey said rules and regulations shall constitute a Class V misdemeanor.

Article 6 – Garbage and Refuse Collection

SECTION 6-601: CITY REFUSE PICKUP SERVICE; MANDATORY

The City shall provide for the collection of household and commercial trash, refuse, garbage and other household and commercial wastes (collectively referred to as “ref-use” hereafter) from all residential and commercial property within the City. All residents shall be required to utilize such city refuse pickup service as hereafter set forth.

SECTION 6-602: DATES OF COLLECTION

The aforescribed refuse shall be collected by the City not less than once a week, and the days of such collection and the collection routes shall be published or posted by the city clerk to notify citizens of said collection.

SECTION 6-603: CONTAINERS AND BAGS

All refuse-generating households and businesses not utilizing a metal dumpster shall have their refuse placed at the edge of the city street adjacent to their residence or business on the morning of the day of collection in tied plastic bags. Such refuse may be placed in metal or plastic containers, but the refuse must first be placed in the plastic bags purchased from the City as set forth below. No plastic bags of refuse shall be placed at the edge of the street for collection until the actual day of collection.

SECTION 6-604: DUMPSTERS; TAGS

Those residents or businesses utilizing a large metal dumpster shall be required to pur-

chase special dumpster refuse tags from the City and shall affix such tags on the dumpsters on the day of pickup.

SECTION 6-605: DUMPSTERS; LOCATION

All metal dumpsters shall be placed at a location easily accessible to the garbage hauler's equipment. Business owners who cannot utilize a dumpster at their place of business because of lack of room to locate a dumpster or lack of access by the compactor truck may locate such dumpster at their place of residence so long as the same is placed at the curb for pickup on designated pick up days. Other residents, or non-residents using the city pickup service, may utilize metal dumpsters for their rubbish so long as they are moved to the city curb adjacent to the owner's property on refuse pickup days. No dumpsters shall be placed on city property at any time other than on published refuse pickup days.

SECTION 6-606: CITY BAGS, DUMPSTER TAGS

All refuse-producing households or businesses shall purchase from the city clerk or other vendor authorized by the City Council plastic refuse bags or refuse tags to be utilized on metal dumpsters. The City will not collect any refuse unless placed in such plastic bags issued by the City or unless the metal dumpster shall have affixed thereto a refuse tag purchased from the City. The City shall establish a charge, by resolution, for the purchase of the refuse bags and refuse tags.

SECTION 6-607: MONTHLY COLLECTION FEES

Monthly charges for collection of refuse shall be set from time to time by resolution of the City Council. All refuse-producing city residents and commercial owners shall be assessed the basic monthly charge. All non-residents shall be charged the basic monthly charge if they request city garbage service. The basic monthly charge shall be billed on a month by month basis and shall be due and payable upon receipt. In the event that a customer fails to pay the basic monthly charge for a period of six months, the city clerk shall file a small claims case in Antelope County Court for collection of such fee, or in the alternative, shall request the city attorney to take whatever action is necessary to collect such charges.

SECTION 6-609: CITY COMPACTOR SERVICE

In addition to the city refuse pickup service, any city resident may also use the city compactor. In the event that any residents choose to use the compactor, they may do so without purchasing the city refuse bags, but they will be required to pay for the use of the compactor at the published current rates. Notwithstanding the use of the compactor, such residents shall still be obligated to pay the basic monthly charge. If any resident purchases the city garbage bags but delivers such refuse to the City's compactor, there shall be no charge to such resident for the compactor service.

SECTION 6-610: ABSENTEE RESIDENTS AND BUSINESSES; EXEMPTION

All persons subject to this article who will be absent from the City for 30 continuous days or more may request to be exempt from the monthly charge during their absence. Such request shall be made to the city clerk, who shall verify such absence. If the clerk determines that the residence or business subject to the monthly charge will produce no refuse during the resident's absence, he/she shall not bill such resident the monthly service charge during such absence.

SECTION 6-611: HAZARDOUS WASTE

Notwithstanding any other provisions in this article, the City shall not be obligated to collect and dispose of any hazardous waste as such is defined by the State of Nebraska or United States government or any agencies thereof. No person shall place any hazardous wastes or other items unsuitable for city disposal in bags or dumpsters to be collected by the City. The city has the right to refuse to collect any article or substance it deems dangerous or unsuitable for city disposal. Any person attempting to dispose of hazardous waste or other items not suitable for city disposal or who shall violate this article in any manner shall be deemed guilty of a Class III misdemeanor and fined accordingly.

SECTION 6-612: UNLAWFUL DEPOSIT OF TRASH, DEBRIS OR REFUSE ON CITY PARK GROUNDS

It is hereby determined unlawful to deposit any trash, debris or other refuse on any municipal park grounds, unless such trash, debris or other refuse was generated within the park by persons using the park for family or other gatherings or for other recreational purposes. The term "trash, debris or other refuse" is defined to be anything having no monetary value other than its value as salvage or its value as recyclable material.

Article 7 – Electrical System

SECTION 6-701: CONSUMER'S CONTRACT; NOT TRANSFERABLE

A. The City shall furnish electric current for light, heating, cooking and power purposes to persons whose premises abut on any supply wire of the distribution system of this city. The rules and regulations hereinafter named shall be considered a part of the contract with every person, company or corporation who is supplied with electric service through the electric distribution system of this city and every such person, company or corporation, by taking electric service therefrom, shall be considered and held to consent to be bound thereby, and whenever any of such rules and regulations or such others as the City Council may hereafter adopt are violated, the electric current shall be cut off from the building or place of such violation, even though two or more parties may receive current through the same line, and shall not be turned on against except by order of the City Council, on payment of the fee for reconnection and upon such other terms as said Council shall determine, and upon a satisfactory understanding with the party that no further cause for complaint shall arise. In case of violation, the City Council shall have the right to declare any payment made for electric current by the person committing such violation forfeited and the same shall thereupon be forfeited.

B. Contracts for electric service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall sell, dispose of or remove from the premises where service is furnished, he/she shall at once so inform the City Council, who shall cause the electric current to be shut off from said premises. If such customer shall fail to give such notice, he/she shall be charged for all electric current used on said premises until the electric superintendent is otherwise advised of such change.

SECTION 6-702: RATES AND CHARGES

The City Council from time to time shall adopt by ordinance such rates and charges as it

determines necessary or advisable.

SECTION 6-703: APPLICATION FOR ELECTRIC SERVICE; CONNECTIONS, SUPPLY WIRES, METERS FURNISHED BY CITY; METER TAMPERING; STEALING CURRENT

A. Every person desiring a supply of electric current must make application therefor to the City Council upon blanks to be furnished for that purpose by the City. Such application shall be made at the city clerk's office or at such other place as the Council shall from time to time designate by resolution. The application must state truly and fully all the uses to which said electric current is to be applied and no additional use will be allowed except by permission of the Council. An all-inclusive utility deposit shall be paid as set forth in Section 6-102.

B. When such application shall be made for electric service, the City will run or cause to be run supply wire or wires to buildings of the customer, if the same are located on premises abutting the distribution system of this city. All such supply wires shall be considered the property of the City. Not more than one house or building shall be supplied from one connection except by special permission of the Council.

C. All meters required for providing applicant with electric service shall be furnished, set in place and remain the property of the City.

D. It shall be unlawful for any person to employ any scheme, device or contrivance for the purpose of evading the proper service and registration of any meter or to employ any scheme or device whereby he/she may obtain current which does not pass through the meter furnished by him/her by the electric superintendent. Finding lighting apparatus attached to a power meter or any device in or near any meter which causes the same to register incorrectly shall be prima facie evidence of the intent of the occupier of said premises or of said customer to convert electric current to his/her own use, which is hereby declared unlawful, and the person convicted of violation of the same shall be punished as hereinafter provided; and, if it shall appear to the City Council that any light or power meter shall have been tapped or tamper with, it is hereby empowered to install or cause to be installed, at customer's expense, a meter installed in iron conduit mechanically sealed in a closed meter box accessible only to the electric superintendent or his/her agents.

SECTION 6-704: METERS, WHEN READ; STATEMENTS; BILLS, WHEN DUE; DISCONNECTION OF SERVICE; RECONNECTION FEE

All meters shall be read monthly and the billings shall be made monthly. All bills shall be paid at the city clerk's office. If the customer shall neglect or refuse to pay his/her bill on or before the 21st day after the billing date, the same shall be considered delinquent and the City, through the City Council, may discontinue service until all amounts in arrears are paid in full, together with the fee of \$25.00 for reconnection and resumption of service.

SECTION 6-705: SERVICE BEYOND CORPORATE LIMITS

The City, by resolution of the City Council, shall have the power and authority to contract with any person, association or corporation, including other municipalities, to sell current for heat and power purposes beyond its corporate limits when, in the judgment of the Council, it is beneficial to the City to do so. The cost or expense of extending the City's lines beyond its border to service farmers and other shall be paid either by the

customer or, subject to the limitations contained in Neb. Rev. Stat. §17-904, out of net earnings of the plant or system. For furnishing electric service beyond its corporate limits, subject to the above conditions, said city may establish rates with such person, association, or corporation, including municipalities, without regard to the rates established for resident customers; provided, however, that the rate made shall be uniform so far as it affects the users of equal amounts of current under such contracts under similar conditions.

SECTION 6-706: DISCRIMINATION

No electric current shall be furnished to any customer under any other rate than as provided in this article, and there shall be no discrimination in rates between customers using equal amounts of current for the same purpose under the same conditions.

SECTION 6-707: CHANGE, CONNECTION, BY WHOM MADE; DISCONNECTION OF SERVICE

No person or persons, except those authorized by the City Council, shall connect or make any changes in the switches, motors, meters, wire or wiring, or any electrical apparatus of any description where said current is used, or in any way interfere with or injure the same, or any connection when the same is connected with the supply wires of the city electric distribution system. The City reserves the right to cut off or disconnect the supply of electric current to any customer without notice for any violation of said rules and requirements.

SECTION 6-708: ACCESS TO PREMISES

The authorized agent of the City Council shall have access at all reasonable hours to premises in which electric light, power or current is being used to determine if it is being carried, distributed and used in the proper manner.

SECTION 6-709: METER OUT OF REPAIR; CHARGE FOR SERVICE

Should a customer's meter become out of repair or fail to register properly, the customer will be charged for electric current during the time such meter is out of order or repair on the basis of monthly consumption during the same month of the preceding year; provided, however, if no such basis for comparison exists, then such customer shall pay such amount as reasonable fixed by the electric superintendent.

SECTION 6-710: CITY NOT A GUARANTOR OF DELIVERY OF ELECTRIC CURRENT OVER ITS LINES

The City does not guarantee the delivery of electric current over the lines of its distribution system at any time, to any person, except when its power and connections are in good working order and it has sufficient power, current, equipment and machinery to do so. The City expressly reserves the right to disconnect or discontinue such service for any of the following reasons: for repairs necessary to be made on any part of its plant, powerhouse, equipment system or distribution system; for nonpayment of bills when due; for fraudulent representations in regard to the consumption of current for light, cooking, heat and power; for the protection of persons or property; for violation of any of the rules and requirements of this article or subsequent amendments thereto. The City shall use due and reasonable diligence to provide and supply uninterrupted service to customers, but shall not be liable for damages resulting from interruption of service due to causes over which said city has no control, and said city expressly reserves the right

to discontinue or disconnect customer's service without notice for reasons set forth herein or for any other reason.

SECTION 6-711: CURRENT, HOW MEASURED; METERS, REPAIR OF, TESTING; REPLACEMENT; PROPERTY OF CITY

All electric current furnished to customers by the electric distribution system of the City shall be measured by meters, which shall be the property of the City and furnished and set by the City. No person except an authorized agent of the City shall be allowed to set meters or make connections to the City's electric distribution system. The City will keep all meters clean and in repair at its expense. The owner or tenant of premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the City. Any customer of current from the electric distribution system shall have the right to request the City to test said meter as requested and any other meter which needs to be tested. All meters now in use or hereafter installed shall be and remain the property of the City. When a meter is entirely worn out and replacement is necessary, a new meter will be furnished and set by the City for such customer at the expense of the City; provided, however, in cases where meter repair or replacements are made necessary on account of the willful neglect or recklessness on the part of the customer, then the City shall require customer to pay for installation of the new meter or making the repairs and collect the same as for electric service furnished.

SECTION 6-712: TRIMMING TREES NEAR LINES OF DISTRIBUTION SYSTEM; NOTICE REQUIRED

Any person desiring to cut or remove trees or branches thereof or to fell the same in close proximity to the lines of the city electric distribution system, and which said work might cause injury or damage to the lines thereof, shall before doing said work give reasonable written notice to the City, and shall secure a permit in writing from the City Council to do so, and shall seek the assistance of the City to do said work so that electric service shall not be interrupted or damage done to the lines or property of the City. Any person felling or removing such trees or branches of trees, resulting in the interruption of electric service or damage to the lines or property of the City, without having given notice to the City as aforesaid, and without having received a permit in writing from said Council to do so, as aforesaid, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as hereinafter provided.

SECTION 6-713: OVERHANGING BRANCHES; CITY'S RIGHT TO REMOVE

Whenever it becomes necessary to protect the lines or property of the city electric distribution system, the City shall have the right to remove and cut away, in a careful and prudent manner, overhanging branches or limbs of trees, so that its lines shall be free and open. Such right, privilege and authority may also be exercised by the City whenever the City Council, at any regular, stated or special meeting, pass a resolution stating its intention to so cut or remove such obstructions to the lines and services of its electric distribution system.

SECTION 6-714: ELECTRIC FUND; PURPOSES; ALLOCATION OF

The funds received by the city treasurer arising out of income from the electric distribution system shall be kept by said treasurer in a separate fund known as the Electric Fund, which shall be allocated for accounting and other purposes as the mayor and City Council shall from time to time direct.

**SECTION 6-715: PROPERTY OF ELECTRIC DISTRIBUTION SYSTEM;
DESTRUCTION PROHIBITED**

No person shall willfully or carelessly break, injure or deface, interfere with or disturb, any building, machinery, apparatus, insulator, transformer, fixture, attachment, appurtenance, electrolier, right-way pole, suspension lights or light globes in the street lighting system of the electric plant or of the distribution system of this city, and if any person shall do any of the acts herein prohibited, he/she shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as hereinafter provided.

SECTION 6-716: APPARATUS, WHERE AND HOW INSTALLED

All poles, overhead wires, transformers and other aerial construction, equipment or apparatus shall hereafter be erected in a substantial manner and shall be placed in the alleys of said city in so far as it is practical to do so. All wires shall be erected and maintained at such height as shall interfere as little as possible with other wires or business interests and all such wires shall be placed so as not to interfere with the common, ordinary public travel upon said streets and alleys.

SECTION 6-717: VIOLATION; PENALTY

Any person, firm or corporation who shall violate any of the provisions of this article or any of the rules and restrictions for the government of customers of light, heat or power as hereafter promulgated by resolution of the City Council shall, upon conviction thereof, in addition to the forfeitures, liabilities, stipulations and reservations in this article contained, be deemed guilty of a Class III misdemeanor.

Article 8 – Natural Gas Rate Regulation

SECTION 6-801: ADOPTION OF NATURAL GAS REGULATION ACT

The provisions of Article 46, Chapter 19 of the Municipal Natural Gas Regulation Act as set forth in Nebraska Revised Statutes, 1987 Supplement thereto and any amendments made thereto, except as otherwise provided for in this ordinance, are hereby adopted by this reference thereto and made a part hereof as fully as if set forth at length herein, except as otherwise hereinafter provided.

SECTION 6-802: GAS RATE COLLECTION FEE

A fee of \$300.00 be and hereby is imposed for each rate filing by the city gas supplier.

Article 9 – Penal Provision

SECTION 6-901: VIOLATION; PENALTY

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