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CHAPTER 50: UTILITIES GENERALLY

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§ 50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings. (Neb. RS 70-1601)

§ 50.02 UTILITY BILLS; COLLECTION.

(A) Charges for water, sewer and electric service shall be due and payable monthly at the office of the Municipal Treasurer. The City Supervisor shall read or cause to be read water and electric meters by the fifteenth of each month. Such bills shall be due on the first day of each month and shall be payable by the fifth of each month. Bills not paid by the sixteenth day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the municipality may discontinue water and/or electric service pursuant to § 50.03. Once discontinued, service shall not be recommenced except upon payment in full of all delinquent charges and upon further payment of a re-connection fee in the amount of \$20 for water service and \$20 for electric service. The municipality may also take any action authorized by law to effect collection of the delinquent charges.

(B) There is hereby imposed a penalty of 10% on a customers monthly electric bill to the municipality, if said bill is not paid by the close of business of the sixteenth day of each month. (Neb. RS 17-542, 70-1605) (1999 Code, § 3-401)

§ 50.03 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

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

(B) The notice shall contain the following information:

(1) The reason for the proposed disconnection;

(2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the municipality 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 municipality may not disconnect service pending the conclusion of the conference;

(7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the municipality's service to that household. Such certificate shall be filed with the municipality within five days of receiving notice under this section and will prevent the disconnection of the municipality's service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this division (B)(7) 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 municipality for an installment payment plan;

(10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(11) Any additional information not inconsistent with this section which has received prior approval from the governing body.

(C) A domestic subscriber may dispute the proposed discontinuance of service by notifying the municipality 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 municipality may discontinue services.

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

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

(Neb. RS 70-1602 et seq.) (1999 Code, § 3-402)

§ 50.04 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person to do any of the following:

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of any city utility supplying such products or services, in such a manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

(2) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;

(3) To reconnect electrical, gas, or water service without the knowledge and consent of any city utility supplying such service if the service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or § 50.02 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it, without the knowledge and consent of any city utility supplying the electricity, electric current, gas, or water passing or intended to pass through the meter.

(B) Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where that connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. RS 28-515.02) Penalty, see § 10.99

§ 50.05 DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in Neb. RS 25-21,275 shall apply.

(B) (1) The city utility may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering, when that act results in damages to the utility. A city utility may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

(2) In any civil action brought pursuant to this section, the city utility shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

(a) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(b) Liquidated damages of \$750 if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under division (B)(2)(a) or (B)(2)(b), the utility may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. RS 25-1801.

(Neb. RS 25-21,276)

(C) (1) There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of that bypassing, tampering, or unauthorized metering if the tenant or occupant:

(a) Had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist; and

(b) Was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

(2) There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of that bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist. (Neb. RS 25-21,277)

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

(Neb. RS 25-21,278)

Penalty, see § 10.99

§ 50.06 METER TAMPERING, UNAUTHORIZED RE-CONNECTION.

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

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

(C) When electrical or water service has been disconnected pursuant to Neb. RS 70-1601 to 70-1615, or § 50.03, any person who reconnects such service without the knowledge and consent of the municipality shall be deemed guilty of an offense.

(D) Proof of the existence of any wire, pipe or conduit connection or re-connection 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, re-connection, injury, alteration or obstruction is proved to exist.

(Neb. RS 86-329 through 86-331) (1999 Code, § 3-404)

§ 50.07 LIEN.

(A) In addition to all other remedies, if a customer shall for any reason remain indebted to the municipality for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished.

(B) The Municipal Clerk shall notify, in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent.

(C) It shall be the duty of the Municipal Clerk to report to the governing body a list of all unpaid accounts due for utilities service together with a description of the premises served.

(D) The report shall be examined, and if approved by the governing body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Neb. RS 17-538, 17-925.01, 18-503) (1999 Code, § 3-405)

§ 50.08 MANDATORY HOOK-UP WITH MUNICIPAL UTILITY SERVICES.

(A) All occupied residential structures located within the municipality shall be hooked up to the municipal water system, the municipal sewer system, and the municipal electrical system (hereinafter "municipal services").

(B) In the event that an occupied residential structure, located within the municipality, is not properly hooked up to each of said municipal services, all of such services shall be subject to disconnection in accordance with the procedure identified in § 50.03. (Ord. 822, passed 1-3-2011)

§ 50.09 METER DEPOSITS FOR ELECTRIC AND WATER METERS.

(A) *Electric meter deposit.* Upon application to the city for electric service, the applicant shall deposit the sum of \$210 as an electric meter deposit. This deposit shall be paid in full at the time of applying for such service.

(B) *Water meter deposit.* Upon application to the city for water service, the applicant shall deposit the sum of \$40 as a water meter deposit. This deposit shall be paid in full at the time of applying for such service.

(C) *Refund of deposits.* The electric meter deposit and water meter deposit shall be returned to the customer depositing the same after the passage of 12 months without any late payment on the account. The occurrence of one late payment will cause the 12-month period to start completely over. The refund of deposits is only available to a customer who is the owner of the commercial or residential property

for which the deposit is made. A tenant or lessee of commercial or residential property is not eligible for any refund of deposits under any circumstances.

(Ord. 799, passed 6-4-2007; Ord. 837, passed 6-4-2012)

§ 50.10 DELINQUENT UTILITY CHARGES; LIEN; CIVIL ACTION.

(A) All water rates, taxes, or rent assessed by the City Council shall be a lien upon the premises or real estate, upon or for which the same is used or supplied; and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the Council shall by ordinance direct and provide.

(Neb. RS 17-538)

(B) All sewer charges established by the City Council shall be a lien upon the premises or real estate for which the same is used or supplied. Such lien shall be enforced in such manner as the Council provides by ordinance.

(Neb. RS 17-925.01)

(C) If the service charge established by the City Council for the use of any city sewage disposal plant and sewerage system is not paid when due, such sum may be recovered by the city in a civil action or it may be certified to the County Assessor and assessed against the premises served and collected or returned in the same manner as other city taxes are certified, assessed, collected, and returned.

(Neb. RS 18-503)

(D) Unless the City Council otherwise provides, on June 1 of each year, the City Clerk shall report to the Council a list of all unpaid accounts due for utilities service together with a description of the premises served. If the Council approves the report, the Clerk shall certify the report to the County Clerk to be collected as a special tax in the manner provided by law.

§ 50.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

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

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 3-1001) (Ord. 744, passed 7-10-2000)

CHAPTER 51: SOLID WASTE DISPOSAL

Section

- 51.01 Definitions
- 51.02 Operating and funding
- 51.03 Persons to whom services furnished
- 51.04 Mandatory pickup
- 51.05 Supplemental regulations
- 51.06 Regulation of garbage collectors
- 51.07 Parking of waste disposal vehicles prohibited

- 51.99 Penalty

§ 51.01 DEFINITIONS.

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

GARBAGE. Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

HAZARDOUS WASTE. Any waste designated or defined as a hazardous waste by N.A.C. Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska, which for purposes or general definition is a solid waste which, because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

REFUSE. Putrescible and non-putrescible solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes and other such wastes.

RUBBISH. Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

SOLID WASTE. Any garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities.

YARD WASTE. Grass and leaves.
(1999 Code, § 4-201)

§ 51.02 OPERATING AND FUNDING.

(A) The city shall operate a municipal solid waste disposal system and shall contract with all garbage collectors possessing a valid permit issued by the city, for the day to day operation of the same and the collection and disposal of solid waste.

(B) The governing body, for the purpose of defraying the cost of operation of the municipal solid waste disposal system, may each year, levy a tax not exceeding the maximum limit allowed by state law on the actual value of all real estate and personal property within the city limits that is subject to taxation.

(C) The revenue from such tax shall be known as the "Solid Waste System Fund".

(D) The governing body shall have the direct management and control of the Solid Waste Disposal Department and shall have authority to adopt rules and regulations for the sanitary and efficient management thereof.
(Ord. 819, passed 10-4-2010)

§ 51.03 PERSONS TO WHOM SERVICES FURNISHED.

(A) The governing body, through the Municipal Solid Waste Disposal Department, shall provide solid waste pickup and disposal services to all persons within its corporate limits who are customers of the municipal electrical distribution system, including both residential customers and commercial customers.

(B) The governing body may also provide solid waste pickup and disposal service to persons whose premises are located outside the corporate limits of the municipality, as and when, according to law, the governing body may see fit to do so.
(Ord. 819, passed 10-4-2010)

§ 51.04 MANDATORY PICKUP.

(A) All customers of the municipal electrical distribution system, both residential and commercial, shall become customers of the Municipal Solid Waste Disposal Department and shall be assessed a monthly fee for municipal services provided in this regard, as established and charged by the private garbage collector of their choice.

(B) To enable the governing body to monitor the mandatory garbage pickup of all residential and commercial establishments in the city, it shall be the duty of each resident to contract with a private garbage collector holding a permit issued by the city for the weekly (or more frequent) pickup of garbage and to certify, in writing, to the City Clerk, the name of the private garbage collector and the monthly fee being paid. Each garbage collector holding such permit shall, on a monthly basis, submit to the City Clerk a list of all residential and commercial customers being serviced by that garbage collector. Said listing shall identify the name and address of such customer, as well as the monthly charge for garbage collection services provided to such customer by the private garbage collector. The city shall pay the private garbage collector an amount equal to the total charges certified for each residential and commercial customer listed on such certification and shall pass the charge therefor on to the individual consumer/customer through an assessment on the monthly utility statement.

(C) The City Clerk shall determine, on a monthly basis, that all residences and commercial establishments having an electric meter within the city are being serviced by a private garbage collector. Any residence and commercial enterprise existing at the same physical location shall only be considered as one customer/consumer for purposes of billing and compliance with this chapter.

(D) Payments due and owing from the city to private garbage collectors shall be made within 30 days of submission by such collector of certification as to residential and commercial customers, as well as the applicable monthly fees being charged.
(Ord. 819, passed 10-4-2010)

§ 51.05 SUPPLEMENTAL REGULATIONS.

The governing body may, from time to time, adopt regulations regulating the day to day administration of this chapter and the responsibilities of private garbage collectors and municipal customers. All such garbage collectors and customers shall be bound by the provisions of such regulations duly adopted.
(Ord. 819, passed 10-4-2010)

§ 51.06 REGULATION OF GARBAGE COLLECTORS.

(A) From and after the effective date of this chapter, no private garbage collector may do business in the city, without obtaining a garbage collector's permit authorizing the operation of such business within the corporate limits.

(B) In order to receive such permit, a private garbage collector shall be required to do the following:

(1) Complete an application for such permit, which application shall contain a certification and agreement, to be signed by the private garbage collector, specifying that garbage collection shall be accomplished within the city in accordance with this chapter, all other applicable city ordinances, and all applicable regulations of the city, the Nebraska Department of Environmental Quality and the United States Environmental Protection Agency. Such garbage collector shall also, in order to qualify for the issuance of a permit from the city, be required to certify that all solid waste picked up within the city shall be delivered to and deposited in a landfill approved by the United States Environmental Protection Agency and the appropriate regulatory agency of any state;

(2) Submit evidence of public liability insurance indicating minimum coverage of \$1,000,000; and

(3) Payment of an annual fee of \$250 shall accompany the application.
(Ord. 819, passed 10-4-2010)

§ 51.07 PARKING OF WASTE DISPOSAL VEHICLES PROHIBITED.

It shall be unlawful for any private garbage collector licensed to do business in the city to park, for a length of time in excess of 15 minutes, any vehicle designed for or used in the hauling of solid waste, garbage, refuse, rubbish or yard waste, as those terms are defined by § 51.01, on any street, alley, driveway or other location within the city limits of the city.

(Ord. 840, passed 10-1-2012) Penalty, see § 51.99

§ 51.99 PENALTY.

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

(B) (1) Any person or firm who shall violate or refuse to comply with the enforcement of any provision of §§ 51.02 through 51.06 shall be deemed guilty of an offense and, upon conviction thereof, shall be fined not more than \$100.

(2) Any residential customer or consumer who does not contract for garbage hauling services as provided herein shall be charged a monthly fee of \$25, which shall be billed on the monthly utility statement. In consideration for the monthly fee assessed, the city shall provide garbage hauling service to such residential customer/consumer.

(3) Any commercial customer or consumer who does not contract for garbage hauling services as provided herein shall be charged a monthly fee equal to the city's disposal cost plus 25%, which shall

be billed on the monthly utility statement. In consideration for the assessment of such fee, the city shall provide garbage hauling service to such commercial customer/consumer.

(C) Any licensed garbage collector, or any agent or servant of a licensed garbage collector, who violates any of the provisions of § 51.07, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined in a sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of § 51.06.

(Ord. 819, passed 10-4-2010; Ord. 840, passed 10-1-2012)

CHAPTER 52: WATER PROVISIONS

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- 52.02 Definitions
- 52.03 Consumer's application
- 52.04 Service to nonresidents
- 52.05 Water contract
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- 52.07 Installation expense
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- 52.09 Meter deposit
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- 52.13 Single premises
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- 52.35 City Supervisor
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- 52.37 Definitions
- 52.38 General (technical) requirements
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- 52.40 Periodic testing and inspection
- 52.41 Notification of violation

- 52.99 Penalty

GENERAL PROVISIONS

§ 52.01 OPERATION AND FUNDING.

(A) The municipality owns and operates the Municipal Water Department through the City Supervisor.

(B) The governing body, for the purpose of defraying the cost of the care, management and maintenance of the Municipal Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all taxable property within the corporate limits. The revenue from the said tax shall be known as the Water Fund, and shall remain in the custody of the Municipal Treasurer. The City Supervisor shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his or her office. The City Supervisor 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 governing body.

(C) The governing body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time.

(Neb. RS 17-531, 17-534, 19-1305) (1999 Code, § 3-101)

§ 52.02 DEFINITIONS.

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

MAIN. Any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the municipality.

SEPARATE PREMISES. More than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building or structure used for a separate business.

SERVICE PIPE. Any pipe extending from the 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. 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.
(1999 Code, § 3-102)

§ 52.03 CONSUMER'S APPLICATION.

Every person or persons desiring a supply of water must make application therefor to the Municipal Clerk. The City Supervisor may require any applicant to make a service deposit in such amount as has been set by the governing body. Water may not be supplied to any house or private service pipe, except upon the order of the City Supervisor.
(Neb. RS 17-537) (1999 Code, § 3-103)

§ 52.04 SERVICE TO NONRESIDENTS.

The Department shall not supply water service to any person outside the corporate limits without special permission from the governing body; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the municipality to provide water service to nonresidents.
(Neb. RS 19-2701) (1999 Code, § 3-104)

§ 52.05 WATER CONTRACT.

(A) The municipality, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid.

(B) The municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the governing body may see fit to do so.

(C) The rules, regulations and water rates hereinafter named in this chapter, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served.

(D) Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said

consumer shall constitute a contract between the consumer and the municipality, to which said contract both parties are bound.

(E) If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the governing body may hereafter adopt, the City Supervisor or his or her agent, may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made except by order of said City Supervisor or his or her agent.

(1999 Code, § 3-105)

§ 52.06 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.

(B) 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.

(C) If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the City Supervisor shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer.

(D) All installations or repairs of pipes require an inspection by the City Supervisor. The inspection shall be made when connections or repairs are completed and before the pipes are covered.

(E) It is the customer's responsibility to notify the City Supervisor 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 City Supervisor; provided that the said rules, regulations and specifications have been reviewed and approved by the governing body. (Neb. RS 17-537) (1999 Code, § 3-106) Penalty, see § 52.99

§ 52.07 INSTALLATION EXPENSE.

(A) Except as provided in division (C) below, the expense of providing water service from the main to the place of distribution shall be paid entirely by the consumer. The consumer shall pay a tap fee set by ordinance of the governing body and on file at the office of the Municipal Clerk. Such tap fee shall compensate the municipality for the cost of tapping the main and the materials provided excluding the meter. It shall be unlawful for any person other than the City Supervisor or his or her designated agent to tap the water main.

(B) The consumer shall then be required to pay the expense of procuring the services of a licensed plumber and shall pay the costs of furnishing and installing pipe, trenching and the necessary labor to bring water service from the water main to the place of disbursement.

(C) The municipality shall supply and install a three-fourths inch water meter at the expense of the municipality. Consumers requesting a larger meter size shall be responsible for the difference in cost between a three-fourths inch water meter and the larger meter size. All water meters shall be owned by the municipality and shall be installed according to specifications prescribed by the City Supervisor. (Neb. RS 17-542) (1999 Code, § 3-107) Penalty, see § 52.99

§ 52.08 WATER METERS REQUIRED: SETTING IN BASEMENTS; METER PITS.

All water services shall have placed thereon a water meter of a type approved by the Mayor and City Council and no person other than the City Supervisor, his or her agents or assistants or a duly licensed plumber under the City Supervisor's supervision shall be allowed to set meters and make connections to the water service. Water meters may hereafter be placed inside the building or in the basement thereof, or, after having received permission from the City Supervisor to do so, may hereafter be placed in a substantial frost proof meter pit located at such point near lot line of the premises of a consumer as may be agreed upon between the consumer and the City Supervisor. (1999 Code, § 3-108)

§ 52.09 METER DEPOSIT.

Upon application to the municipality for water service, the applicant shall deposit the sum of \$10 as a meter deposit if said applicant is the owner of the land, property or structure for which water service is provided. Should the applicant not be the owner of said land, property or structure, said applicant shall deposit the sum of \$20 as a meter deposit; provided, that if a person acceptable to the municipality shall cosign the application for service, the non-owning applicant shall make a deposit in the amount of \$10. (1999 Code, § 3-109)

§ 52.10 REPAIRS AND MAINTENANCE.

(A) The municipality shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of disbursement. When leaks occur in service pipes, the City Supervisor shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the City Supervisor. All water meters shall be kept in repair by the municipality at the expense of the municipality.

(B) When meters are worn out, they shall be replaced and reset by the municipality at the expense of the municipality; provided, that if the customer permits or allows a water meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the meter must

be repaired or replaced, the City Supervisor shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

(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 municipality. The municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the municipality shall always have the right to place a new meter on the customer's water service fixtures at municipal expense.

(D) Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the City Supervisor.

(E) It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately.
(Neb. RS 17-537) (1999 Code, § 3-110) Penalty, see § 52.99

§ 52.11 FEES AND COLLECTIONS.

The governing body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Treasurer shall bill the consumers and collect all money received by the municipality on the account of the Water Department.
(Neb. RS 17-540) (1999 Code, § 3-111)

§ 52.12 MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the City Supervisor to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again.
(Neb. RS 17-542) (1999 Code, § 3-112)

§ 52.13 SINGLE PREMISES.

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

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

(Neb. RS 17-537) (1999 Code, § 3-113) Penalty, see § 52.99

§ 52.14 RESTRICTED USE.

The governing body or the City Supervisor 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 municipality 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 municipality has no control.

(Neb. RS 17-537) (1999 Code, § 3-114)

§ 52.15 FIRE HYDRANTS.

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

(B) Persons desiring to draw water from public hydrants may do so under the supervision of the City Supervisor or his or her authorized representative and in accordance with conditions prescribed by the governing body.

(1999 Code, § 3-115) Penalty, see § 52.99

§ 52.16 MANDATORY HOOK-UP.

All consumers within the corporate limits of the municipality shall be connected to the municipal water system. Said consumers whether they be residential, business, fertilizer and anhydrous, laundromats, schools, school districts, churches or any other possible consumers shall not be connected to or utilize any non-municipal water wells or water systems for human consumption.

(1999 Code, § 3-116)

§ 52.17 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 Municipal Water Department.

(Neb. RS 17-536) (1999 Code, § 3-117) Penalty, see § 52.99

§ 52.18 WATER SERVICE CONTRACTS.

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 is destroyed by fire or other casualty, he or she shall at once inform the City Supervisor who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he or she shall be charged for all water used on the said premises until the City Supervisor is otherwise advised of such circumstances.

(Neb. RS 17-537) (1999 Code, § 3-118)

§ 52.19 INSPECTIONS.

The City Supervisor, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premises and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

(Neb. RS 17-537) (1999 Code, § 3-119)

§ 52.20 POLICE REPORTS.

It shall be the duty of the municipal police to report to the City Supervisor 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.

(1999 Code, § 3-120)

§ 52.21 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 Municipal 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 City Supervisor.

(1999 Code, § 3-121) Penalty, see § 52.99

§ 52.22 LICENSED PLUMBER.

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

(B) All persons licensed by the municipality shall pay an annual occupation tax and give a bond to the municipality in such amounts as established by ordinance of the governing body. All plumbing shall be done in the manner required by the City Supervisor.

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

(Neb. RS 17-537) (1999 Code, § 3-122) Penalty, see § 52.99

§ 52.23 WELLHEAD PROTECTION AREA.

(A) **WELLHEAD PROTECTION AREA** means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field.

(B) The City Council designates a wellhead protection area for the purpose of protection of the public water supply system. The boundaries of the wellhead protection area are the North Well Field as the SE 1/4 of Section 14, S 1/2 of Section 13, NE 1/4 of Section 23, NE 1/4 of Section 24, NW 1/4 of Section 24, N 1/2 of the SW 1/4 of Section 24, and the SE 1/4 of Section 24, Township 3 North, Range 3 West; SW 1/4 of the SW 1/4 of Section 18, E 1/2 of the NW 1/4 of Section 19 and E 1/2 of the SW 1/4 of Section 19, Township 3 North, Range 3 West; The South Well Field is identified as Section 13 excluding the land Northwest of Spring Creek, SE1/4 of Section 14, S 1/2 of the SW 1/4 of Section 14, NW 1/4 of Section 23, NE 1/4 of Section 23, N 1/2 of the SW 1/4 of Section 23 and the NW 1/2 of the SE 1/4 of Section 23, NE 1/4 of the NE1/4 of Section 24, W1/2 of the NE 1/4 of Section 24, NW 1/4 of Section 24, and the NW 1/4 of the SW 1/4 of Section 24 west of Highway 81, Township 2 North, Range 3 West, W 1/2 of the NW 1/4 of section 18, and the W 1/2 of the SW 1/4, Township 2 North, Range 2 West, with all lands in Thayer County, Nebraska.
(1999 Code, § 3-130) (Ord. 794, passed 7-5-2006)

§ 52.24 FLUORIDE ADDITION PROHIBITED.

Fluoride shall not be added to the water system of the city.
(Ord. 813, passed 12-1-2008) Penalty, see § 52.99

BACKFLOW/BACKSIPHONAGE PREVENTION

§ 52.35 CITY SUPERVISOR.

(A) The City Supervisor, or his or her designated agent, shall inspect the plumbing in every building or premises in the municipality as frequently as in his or her judgment may be necessary to ensure that

such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the municipality by the plumbing.

(B) The City Supervisor shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by said City Supervisor, any plumbing installed or existing contrary or in violation of §§ 52.35 through 52.41, and which in his or her judgment, may, therefore, permit the pollution of the municipal water supply, or otherwise adversely affect the public health.

(1999 Code, § 3-123)

§ 52.36 INSPECTIONS.

The City Supervisor, or his or her designated agent, shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

(1999 Code, § 3-124)

§ 52.37 DEFINITIONS.

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

AGENCY. The department of the municipal government invested with the authority and responsibility for the enforcement of §§ 52.35 through 52.41.

AIRGAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood-level rim of the receptacle.

APPROVED. Accepted by the agency as meeting applicable specifications stated or cited in §§ 52.35 through 52.41 as suitable for the proposed use.

AUXILIARY SUPPLY. Any water source or system other than the potable water supply that may be available in the building or premises.

BACKFLOW. The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of **BACKFLOW**.

BACKFLOW PREVENTER. A device or means to prevent backflow.

BACKSIPHONAGE. Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

BAROMETRIC LOOP. A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

CHECK VALVE. A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CONTAMINATION. See **POLLUTION**.

CROSS-CONNECTION. Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain or any unapproved source or system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. See **BACKFLOW** and **BACKSIPHONAGE**.

DRAIN. Any pipe that carries waste water or waterborne wastes in a building drainage system.

FIXTURE, PLUMBING. Installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

FLOOD-LEVEL RIM. The edge of the receptacle from which water overflows.

HAZARD, HEALTH. Any conditions, devices or practices in the water supply system and its operation which create, or in the judgment of the Supervisor, may create, a danger to the health and well-being of the water consumer. An example of a **HEALTH HAZARD** is a structural defect in the water supply system, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

HAZARD, PLUMBING. Installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

HYDROPNEUMATIC TANK. A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

INLET. The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

PLUMBING SYSTEM. Includes the water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers including their respective connections, devices and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

POLLUTION. The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere designed to prevent backflow.

SURGE TANK. The receiving, nonpressure vessel forming part of the airgap separation between a potable and an auxiliary supply.

VACUUM. Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NONPRESSURE TYPE. A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE. A vacuum breaker designed to operate under conditions of static line pressure.

WATER, POTABLE. Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Federal Drinking Water Standards or to the regulations of the State Department of Health.

WATER, NONPOTABLE. Water that is not safe for human consumption or that is of questionable potability.
(1999 Code, § 3-125)

§ 52.38 GENERAL (TECHNICAL) REQUIREMENTS.

The general (technical) requirements set forth in Title 179, Chapter 2, Nebraska Department of Health regulations governing public water supply systems; one copy of which is on file in the office of the Municipal Clerk, or subsequent amendments thereto, are hereby incorporated and made a part of §§ 52.35 through 52.41, the same as though spread at large herein, and constitute the standard of efficiency for the control of backflow and cross-connections.

(1999 Code, § 3-126)

§ 52.39 MAINTENANCE REQUIREMENTS.

It shall be the responsibility of building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

(1999 Code, § 3-127)

§ 52.40 PERIODIC TESTING AND INSPECTION.

Periodic testing and inspection schedules shall be established by the City Supervisor for all backflow preventers and the interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to assure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the City Supervisor.

(1999 Code, § 3-128)

§ 52.41 NOTIFICATION OF VIOLATION.

The City Supervisor shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of §§ 52.35 through 52.41, of such violation. The City Supervisor shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval the City Supervisor may, if in his or her judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated, and/or recommend such additional fines or penalties to be invoked as herein may be provided.

(1999 Code, § 3-129)

§ 52.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

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

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 3-1001) (Ord. 744, passed 7-10-2000)

CHAPTER 53: SEWER REGULATIONS

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GENERAL PROVISIONS**§ 53.001 OPERATION AND FUNDING.**

(A) The municipality owns and operates the municipal sewer system through the City Supervisor.

(B) The governing body, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the municipal sewer system, may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

- (1) Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
- (2) Generate adequate revenues to pay the costs of OM&R; and
- (3) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

(C) The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund. The City Supervisor shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. He or she shall have the

authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the governing body.
(Neb. RS 17-149, 17-925.01) (1999 Code, § 3-201)

§ 53.002 DEFINITIONS.

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

ASTM. The American Society for Testing Materials or publications thereof.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.

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

CITY SUPERVISOR. The City Supervisor of the City of Hebron, or his or her authorized deputy, agent or representative.

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

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

HEALTH OFFICER. A person having public health responsibility by the state, or by the county.

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

MUNICIPALITY. The City of Hebron, Nebraska.

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

PERSON. Any individual, firm, company, association, society, corporation or group.

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

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

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

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

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

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

SEWER. A pipe or conduit for carrying sewage.

SHALL. Mandatory; the term *MAY* is permissive.

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

STORM DRAIN. Sometimes termed **STORM SEWER**, shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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

UNIFORM PLUMBING CODE. The latest revision of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

WPCF. The Water Pollution Control Federation or publications thereof.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(1999 Code, § 3-202)

§ 53.003 APPLICATION FOR PERMIT.

Any person wishing to connect with the sewer system shall make an application therefor to the Municipal Clerk. The Municipal Clerk may require any applicant to make a service deposit in such amount as he or she deems necessary subject to the review of the governing body. Sewer service may not be supplied to any house or building except upon the written order of the City Supervisor. Nothing herein shall be construed to obligate the municipality to provide sewer service to nonresidents. (Neb. RS 17-149, 18-503) (1999 Code, § 3-203)

§ 53.004 SEWER CONTRACT.

The municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the governing body may see fit to do so. The rules, regulations and sewer rental rates hereinafter named in this chapter, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the governing body may hereafter adopt, the City Supervisor, or his or her agent, may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the City Supervisor or his or her agent. (Neb. RS 17-901, 17-902, 18-503) (1999 Code, § 3-204)

§ 53.005 SERVICE CONTRACTS.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he or she shall at once inform the City Supervisor who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he or she shall be charged for that period of time until the City Supervisor is otherwise advised of such circumstances. (Neb. RS 17-901, 17-902, 18-503) (1999 Code, § 3-205)

§ 53.006 USER CHARGE RATES.

(A) All persons discharging wastes into the public sewer shall be charged a monthly user fee as established by ordinance of the governing body. Such ordinance shall be on file in the office of the Municipal Clerk for public inspection during office hours.

(B) User charge rates shall be based on the average monthly usage as determined from a comparison of the preceding November 15 through January 15 water records for all residential users and all commercial users, except schools. All school user and industrial rates shall be based on the monthly water usage as determined from the latest water meter reading.

(C) The user charge shall be levied to each property served by the sanitary sewer system regardless of location.

(D) The rental charges established pursuant to this section shall become due and payable and collected in the manner as prescribed in § 50.01. No discount shall be given or allowed for payment of the user charge rates.

(1999 Code, § 3-206)

§ 53.007 USER CHARGE REVIEW.

The governing body shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

(A) Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

(B) Generate adequate revenues to pay the costs of OM&R; and

(C) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

(1999 Code, § 3-207)

§ 53.008 USER NOTIFICATION.

Each user will be notified, at least annually, with a regular bill, of the rate and that portion of the user charges ad valorem taxes which are attributable to wastewater treatment.

(1999 Code, § 3-208)

§ 53.009 CLASSIFICATION.

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

(Neb. RS 17-925.02) (1999 Code, § 3-209)

§ 53.010 SERVICE TO NONRESIDENTS.

No sewer connection will be permitted for areas outside the corporate limits of the municipality until the developer or owner obtains approval from the Mayor and City Council. Any sewer lines needed to connect with existing municipal sewer mains and laterals must conform to municipal and state specifications for the same.

(1999 Code, § 3-214)

§ 53.011 REPAIRS AND REPLACEMENT.

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

(B) The City Supervisor shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the City Supervisor may cause such work to be done and assess the cost upon the property served by such connection.

(Neb. RS 18-1748) (1999 Code, § 3-231)

§ 53.012 PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers as approved by the City Supervisor or to drainage ditches. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Supervisor, to a storm sewer or natural outlet. Such flows are also subject to federal and state regulations.

(1999 Code, § 3-232) Penalty, see § 53.999

§ 53.013 HAZARDOUS AND PROHIBITED DISCHARGES.

(A) *Flammable, toxic, corrosive and obstructive substances.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any 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;

(3) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other property capable of causing damage or hazard to structures, equipment and personnel of the sewage works; or

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(1999 Code, § 3-233)

(B) *Specific prohibitions determined by City Supervisor; preliminary treatment.*

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

(a) Any liquid or vapor having a temperature higher than 120°F (49°C);

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32°F and 120°F (0 and 49°C);

(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 (0.76 hp metric) or greater shall be subject to the review and approval of the City Supervisor;

(d) Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not;

(e) Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such

material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Supervisor for such materials, or pre-treatment requirements established by state, federal or other public agencies of jurisdiction for such discharge;

(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 City Supervisor as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge;

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Supervisor in compliance with applicable state or federal regulations;

(h) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

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

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

(j) Any waters or wastes having: a five-day biochemical oxygen demand greater than 300 parts per million by weight; containing more than 350 parts per million by weight of suspended solids; or having an average daily flow greater than 2% the average sewage flow of the municipality, shall be subject to the review of the City Supervisor.

(2) (a) Where necessary, in the opinion of the City Supervisor, the owner shall provide at his or 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 waters or wastes.

(b) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Supervisor and no construction of such facilities shall be commenced until said approvals are obtained in writing.
(1999 Code, § 3-234)

(C) Rejection, pre-treatment; control of discharge rate, or use fee surcharge.

(1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (B) above, and which in the judgment of the City Supervisor, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or would otherwise create a hazard to life to constitute a public nuisance, the City Supervisor may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(2) If the City Supervisor 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 City Supervisor, and subject to the requirements of all applicable codes, ordinances and laws.

(1999 Code, § 3-235)

Penalty, see § 53.999

§ 53.014 GREASE, OIL AND SAND INTERCEPTORS.

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

(B) All interceptors shall be of a type and capacity approved by the City Supervisor and shall be located as to be readily and easily accessible for cleaning and inspection.

(1999 Code, § 3-236)

§ 53.015 PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER.

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

(1999 Code, § 3-237)

§ 53.016 CONTROL MANHOLES/SAMPLING STATIONS.

(A) *When required; installation and maintenance.* When required by the City Supervisor, 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 City Supervisor. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(1999 Code, § 3-238)

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

(1999 Code, § 3-239)

§ 53.017 PRETREATMENT STANDARDS.

Any pretreatment standards as established by state, federal or other public agencies of jurisdiction for such discharge will be used as the minimum requirements by the municipality or the City Supervisor as applied to this chapter.

(1999 Code, § 3-240)

§ 53.018 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY.

No unauthorized 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 under charge of disorderly conduct. (1999 Code, § 3-241) Penalty, see § 53.999

§ 53.019 COMPLIANCE WITH CHAPTER.

(A) *Inspections generally.* The City Supervisor and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The City Supervisor or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. Any report, record or information taken for the purposes of administering this chapter shall remain confidential to the City Supervisor, except that such report, record or information may be disclosed to other officials, employees or authorized representatives of the municipality and except for such effluent information as may be required by federal and state regulations. (1999 Code, § 3-242)

(B) *Inspections; injury liability.* While performing the necessary work on private properties referred to in division (A) above, the City Supervisor or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipal employees and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 53.016(A). (1999 Code, § 3-243)

(C) *Inspections; easements.* The City Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1999 Code, § 3-244)

§ 53.020 VIOLATIONS; NOTICE AND LIABILITY.

(A) Any person found to be violating any provision of this chapter, except § 53.018, shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss or damage occasioned the municipality by reason of such violation, including such fines, penalties and other costs which may be assessed to the municipality for violation of sewage treatment plant effluent requirements, where such violation is created by a user of the sewage works who, in turn, is in violation of city, state or federal regulations.
(1999 Code, § 3-245)

PUBLIC SEWERS REQUIRED**§ 53.035 UNLAWFUL DEPOSIT OF WASTES.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the municipality or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage or other objectionable waste.
(1999 Code, § 3-210) Penalty, see § 53.999

§ 53.036 UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the municipality, or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(1999 Code, § 3-211) Penalty, see § 53.999

§ 53.037 CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
(1999 Code, § 3-212) Penalty, see § 53.999

§ 53.038 MANDATORY HOOK-UP.

The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the municipality and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so; provided, that said public sewer is within 100 feet (30.5 meters) of the property line.

(1999 Code, § 3-213)

PRIVATE SEWAGE DISPOSAL SYSTEM**§ 53.050 WHEN APPLICABLE.**

Where a public sanitary or combined sewer is not available under the provisions of § 53.038, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(1999 Code, § 3-215)

§ 53.051 PERMIT REQUIRED; FEE.

(A) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the City Supervisor.

(B) The application for such permit shall be made on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Supervisor.

(C) A permit inspection fee of \$100 shall be paid to the municipality at the time the application is filed.

(1999 Code, § 3-216)

§ 53.052 PERMIT; WHEN EFFECTIVE; INSPECTIONS.

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

(B) He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Supervisor when the work is ready for final inspection, and before any underground portions are covered.

(C) The inspection shall be made within 96 hours of the receipt of notice by the City Supervisor or his or her representative.
(1999 Code, § 3-217)

§ 53.053 SPECIFICATIONS.

(A) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Division of Environmental Quality.

(B) No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet when a public water supply is used.

(C) In the case of a private water supply, the minimum lot size will be 40,000 square feet.

(D) No septic tank or cesspool system shall be permitted to discharge to any natural outlet.
(1999 Code, § 3-218)

§ 53.054 MAINTENANCE.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the municipality.
(1999 Code, § 3-219)

§ 53.055 ADDITIONAL REQUIREMENTS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer.
(1999 Code, § 3-220)

§ 53.056 CONNECTION TO PUBLIC SEWER; WHEN REQUIRED.

(A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 53.038, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned and filled according to division (B) below.

(B) 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, locally available chat or dirt.
(1999 Code, § 3-221)

BUILDING SEWER INSTALLATION

§ 53.070 PERMIT REQUIRED.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Supervisor.
(1999 Code, § 3-222) Penalty, see § 53.999

§ 53.071 CLASSIFICATION; PERMIT APPLICATION; FEE.

(A) There shall be one class of building sewer permit for residential and commercial service. The owner or his or her agent shall make application on a special form furnished by the municipality.

(B) The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Supervisor.

(C) A permit and inspection fee of \$10 for a residential or commercial building sewer permit shall be paid to the Municipal Clerk at the time the application is filed.

(D) In the event it is necessary to secure permit for insertion of a new riser in addition to the fee herein provided for there is added the sum of \$5.
(1999 Code, § 3-223)

§ 53.072 EXPENSE.

(A) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner.

(B) The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(1999 Code, § 3-224)

§ 53.073 SINGLE PREMISES.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(1999 Code, § 3-225)

§ 53.074 USE OF EXISTING SEWERS.

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

(1999 Code, § 3-226)

§ 53.075 CONSTRUCTION CODES.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation and backfilling the trench, installing jointing and testing the building sewer, shall conform to the Uniform Plumbing Code as hereinafter modified.

(1) Minimum internal pipeline diameter for all building sewers shall be four inches.

(2) Building sewers shall be constructed on one of the following pipeline materials.

(a) Extra strength vitrified clay pipeline and fittings conforming to ASTM C 700-74.

(b) Polyvinyl chloride (PVC) gravity sewer pipe and fittings, Type PSP or PSM conforming to ASTM Standards D 3033-75 or D 3034-74. All PVC sewer pipe shall be at least SDR 35.

(c) Cast or Ductile Iron Pipe of Class 150 conforming to Federal Specification WW-P-421b or ANSI A21.6 or A21.8 except that iron used in the manufacture of pipe shall have minimum design strength value, in pounds per square inch, of 21,000 for burst-strength and 45,000 for modulus or rupture.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the Uniform Plumbing Code or other applicable rules and regulations of the municipality. All such

connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the City Supervisor before installation.
(1999 Code, § 3-227)

§ 53.076 UNLAWFUL CONNECTION.

No person shall make connection of roof down spouts, exterior foundation, 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.
(1999 Code, § 3-228) Penalty, see § 53.999

§ 53.077 INSPECTIONS.

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

(B) The connection shall be made under the supervision of the City Supervisor or his or her representative with 96 hours of the receipt of notice of the City Supervisor.
(1999 Code, § 3-229)

§ 53.078 EXCAVATIONS.

(A) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(B) Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.
(1999 Code, § 3-230) Penalty, see § 53.999

§ 53.999 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

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

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 3-1001) (Ord. 744, passed 7-10-2000)

CHAPTER 54: ELECTRICAL SYSTEM

Section

- 54.01 Ownership
- 54.02 Contracts and terms
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§ 54.01 OWNERSHIP.

(A) The municipality owns and operates the municipal electrical system through the City Supervisor. The governing body, for the purpose of defraying the cost of the care, management and maintenance of the municipal electrical system may each year levy a tax not exceeding the maximum limit prescribed by state law, on the taxable value of all taxable property within the corporate limits.

(B) The revenue from the tax shall be known as the Electrical Fund, and shall remain in the custody of the Municipal Treasurer.

(C) The City Supervisor shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system subject to the supervision and review of the governing body.

(Neb. RS 17-902 through 17-904, 17-906, 17-909) (1999 Code, § 3-301)

§ 54.02 CONTRACTS AND TERMS.

The municipality, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the governing body may see fit to do so. The rules, regulations and rates for electric service, hereinafter named in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the municipality, to which both parties are bound. If customer should violate any of the provisions of said contract or any reasonable rules and regulations that the governing body may hereafter adopt, the City Supervisor, or his or her agent, shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the City Supervisor or his or her agent.

(1999 Code, § 3-302)

§ 54.03 CONSUMER'S APPLICATION.

(A) Every person or persons desiring electrical service must make application therefor to the Municipal Clerk. Any applicant may be required to make a service deposit in such amount as has been set by the governing body and on file at the office of the Municipal Clerk. Electricity may not be supplied to any house or building, except upon the written order of the City Supervisor.

(B) The system shall not supply to any person outside the corporate limits electrical service without special permission from the governing body. Nothing herein shall be construed to obligate the municipality to supply electrical service to nonresidents.

(Neb. RS 17-902, 19-2701) (1999 Code, § 3-303)

§ 54.04 METER DEPOSIT.

Upon application to the municipality for electric service, the applicant shall deposit the sum of \$50 as a meter deposit if said applicant is the owner of the land, property or structure for the electric service is to be provided. Should the applicant not be the owner of said land, property or structure, said applicant shall deposit the sum of \$100 as a meter deposit; provided, that if a person acceptable to the

municipality shall co-sign the application for service, the non-owning applicant shall make a deposit of \$50; provided further, that should the non-owning party without a co-signer keep his or her electric account with the municipality continually current for a period of 12 months, said non-owning party shall, upon application, have one-half of his or her electric meter deposit returned to him or her.
(1999 Code, § 3-304)

§ 54.05 ELECTRICAL SERVICE CONTRACTS.

Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose or remove from the premises where service is furnished in his or her name, or if the said premises is destroyed by fire or other casualty, he or she shall at once inform the City Supervisor who shall cause the electrical service to be shut off from the said premise. If the consumer should fail to give such notice, he or she shall be charged for all electricity used on the said premises until the City Supervisor is otherwise advised of such circumstances.
(Neb. RS 17-902, 19-1404) (1999 Code, § 3-305)

§ 54.06 LICENSED ELECTRICIAN.

(A) Under no circumstances shall connection be made between the wires of the electrical distribution system of this municipality and the meter of the consumer, except by an employee of the municipality or a licensed electrician authorized to do so by the City Supervisor. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the City Supervisor; provided, that such rules, regulations and specification have been reviewed and approved by the governing body.

(B) In addition to the license required under state law, all electricians making connection between the wires of the electrical distribution system of the municipality and the meter of the consumer shall first apply for and procure a license from the municipality. All persons licensed by the municipality shall pay an annual occupation tax and give a bond to the municipality in such amounts as established by ordinance of the governing body. The said licensed electrician shall be at all times subject to the inspection and approval of the City Supervisor and it shall be further unlawful to cover or conceal willfully and defective or unsatisfactory plumbing work.
(Neb. RS 17-902) (1999 Code, § 3-306)

§ 54.07 INSTALLATION; EXPENSE.

(A) *Installation.* All meters, meter boxes, wires and other appurtenances necessary to connect any consumer with the municipal power lines shall be provided and installed at the expense of the

municipality by municipal employees only. All such equipment shall remain the property of the municipality.

(1999 Code, § 3-307)

(B) *Installation expense.* The expense of installation and equipment up to and including the electrical meter shall be paid by the municipality. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner.

(Neb. RS 17-902, 19-1404) (1999 Code, § 3-308)

§ 54.08 METERS.

All electrical meters shall be read at least one time by the fifteenth of each month. Should a customer's meter get out of repair or fail to register properly, the customer will be charged for electric current during the time when such meter is out of order or repair on the basis of monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists or if circumstances have been materially altered than such customer shall pay such amount as reasonably fixed by the City Supervisor or Municipal Treasurer.

(1999 Code, § 3-309)

§ 54.09 FEES AND COLLECTIONS.

The governing body has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Treasurer shall collect all money received by the municipality on the account of the municipal electrical system. He or she shall faithfully account for all revenue collected by him or her, taking his or her receipt therefor in duplicate, filing one with the municipal electrical system and keeping the other on file in his or her official records.

(Neb. RS 17-902, 19-1404) (1999 Code, § 3-310)

§ 54.10 MINIMUM RATES.

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

(Neb. RS 17-902, 19-1404) (1999 Code, § 3-311)

§ 54.11 SERVICE TO NONRESIDENTS.

The Mayor and City Council have the power and authority to contract with any person or other city to sell electric current for light, heat and power purposes beyond the corporate limits when it is

beneficial to the municipality to do so. The cost of extending the lines of the electrical system beyond its borders shall be paid by the municipality out of the net earnings of the electrical system.
(1999 Code, § 3-312)

§ 54.12 POSTING SIGNS.

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the municipal electrical system any sign, poster, advertisement or banner without written permission from the City Supervisor.
(Neb. RS 19-1404) (1999 Code, § 3-313) Penalty, see § 54.99

§ 54.13 TRIMMING TREES.

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the municipal electrical system shall, before doing the said work, give reasonable written notice to the City Supervisor and apply for a permit to do such work and shall follow any and all rules and regulations which the City Supervisor may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electrical system, the Mayor and Council shall have the power to order cut and remove any overhanging branches or limbs of trees so that lines will be free and safe.
(1999 Code, § 3-314) Penalty, see § 54.99

§ 54.14 INSPECTIONS.

The City Supervisor or his or her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, that in the event of an emergency, such inspections may take place at any time.
(Neb. RS 17-902) (1999 Code, § 3-315)

§ 54.15 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 municipal electrical system.
(Neb. RS 28-512) (1999 Code, § 3-316) Penalty, see § 54.99

§ 54.16 RESTRICTED USE.

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

The City Supervisor has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the municipality has no control and the municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.

(Neb. RS 17-902, 19-1404) (1999 Code, § 3-317)

§ 54.17 BUILDING MOVING.

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the municipal electrical system, the same should not be done except upon written permission received from the City Supervisor, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing and replacing the said wires or apparatus of the electrical system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

(Neb. RS 19-1404) (1999 Code, § 3-318)

§ 54.18 SPECIFICATIONS AND MATERIALS.

All poles, wires, transformers and other electrical equipment shall be of such quality and installed in such manner as the governing body may prescribe. In all cases where the required materials or insulation procedures have not been specifically prescribed, or where it is unreasonable to comply literally with any of said regulations, the City Supervisor may modify such regulations subject to the review of the governing body in the interest of public health and safety.

(1999 Code, § 3-319)

§ 54.19 EXTENSION LINES AND STREET LIGHTING.

The municipality will at all times make all necessary and required improvements and extensions to its distribution system, which shall include its street lighting units and circuits, necessary properly and adequately to comply with the needs and demands of its citizens, pursuant to resolution of its governing body when necessary to furnish customers or applicants for service with sufficient and adequate electrical energy for light, heat and power, whenever it shall have sufficient money to the credit of its Electrical Fund to do so and whenever there are sufficient customers of light, heat or power on such extended line to pay the municipality a reasonable return on the cost of such extension.

(1999 Code, § 3-320)

§ 54.20 LOAD MANAGEMENT DEVICES.

(A) The city does hereby establish a surcharge on all municipal electric service rates and charges for customers that do not utilize an approved load management device on central space air cooling systems.

(B) The surcharge referred to in division (A) above shall be equal to 10% of the electrical service rates generated by any customer that does not utilize an approved load management device for the months of June, July, August and September of each year. Said surcharge shall be added to the monthly statement of any such customer and be subject to the same collection and delinquency rates and penalties as other utility services.

(C) No customer of the municipal electrical distribution system shall be permitted to remove, disconnect or bypass the load management device currently in place. Any customer wishing to have such device removed or disconnected shall be required to contact the city office for the purpose of making such request and, after disconnection or removal by city personnel or designees, shall be responsible for payment of the surcharge.

(D) In the event that a central space air cooling system is replaced by a contractor, supplier, service person or other individual that is not an employee of the city, any load management device previously in use, shall be reinstalled by such contractor, supplier, service person or other individual not an employee of the city, or, alternatively, returned and delivered to the City Clerk. All load management devices are property of the city.

(E) Any newly installed central space air cooling system shall be reported by the contractor, supplier, service person or individual not in the employ of the city, to the City Clerk, so that the necessary load management device may be installed thereon by city personnel.

(F) No wiring of central space air cooling systems, within the electrical service jurisdiction of the city, shall be done by any individuals or firms that are not licensed by the city.
(1999 Code, § 3-321) (Ord. 745, passed 8-14-2000)

§ 54.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

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

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Neb. RS 17-505, 18-1720, 18-1722) (1999 Code, § 3-1001) (Ord. 744, passed 7-10-2000)