

## **CHAPTER 6 – PUBLIC UTILITIES**

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**CHAPTER 6 – PUBLIC UTILITIES**

**Article 1 – Water Department**

(Article Am. by Ord. No. 1235, 7/7/03)

**SECTION 6-101: OPERATION AND FUNDING**

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

**SECTION 6-102: DEFINITIONS**

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

“Commercial” is hereby defined as any user other than residential. If a building is used jointly for residential and commercial, the user shall be considered commercial.

"Consumer" includes, user, lessee, customer, person and subscriber and shall be any individual, partnership, company, public or private corporation; political subdivision or agency of the State; department, agency or instrumentality of the United States; or any legal entity who utilizes the water services of the City.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used

for the purpose of carrying water to and dispersing the same in the City.

"Owner" includes "lessor" and "record owner" and is hereby defined as any person who has legal title or interest in and to the property to which city water and sewer service is connected. An owner may also be a consumer when directly utilizing the water and sewer service of the City as any consumer. (Am. by Ord. Nos. 456-A, 5/4/76; 913, 8/3/93; 1312, 12/6/10)

"Residential" is hereby defined as property or that portion of property used exclusively as a dwelling or living quarters by one or more persons.

"Service pipe" is hereby defined to be any potable water line extending from the main to the meter, including cock, curb valve and box, all outside of buildings, excluding potable water lines used for fire protection.

### **SECTION 6-103: WATER SERVICE; PERMIT; DEPOSIT; DELINQUENCY**

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

B. All new customers, except customers served by the City within the past 12 months and who established satisfactory payment records for the previous service, shall be required to make a deposit with the City as follows:

<b>Water Meter Size</b>	<b>Combined Deposit</b>				
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
1.0" or less	\$ 95.00	\$ 98.00	\$ 100.00	\$ 103.00	\$ 106.00
1.5"	191.00	195.00	200.00	206.00	211.00
2.0"	381.00	392.00	401.00	411.00	422.00
3.0"	762.00	782.00	802.00	823.00	844.00
4.0"	1525.00	1564.00	1604.00	1645.00	1689.00
	This deposit amount is one amount for water, sewer and/or garbage or any combination of the three.				

C. Each deposit shall be refunded when the customer has established a satisfactory payment record for a period of 12 consecutive months and has not been served with more than two disconnect notices during such period of time. When supported by facts, the mayor may determine the deposit shall be held for a longer period to assure a satisfactory payment record.

D. The City may offset any customer's deposit at any time during which the customer's account is delinquent. Such deposit may also be used to offset any payment due on any other account of the customer, payment for damages due from the customer, or payment of a judgment obtained by the City for any reason, either against the property owner or customer, if a different person.

E. The City may use any means available to it by law for collection of a customer's delinquent account in addition to use of his or her deposit. (Neb. Rev. Stat. §17-537) (Am. by Ord. Nos. 843, 8/6/91; 850, 10/1/91; 917, 9/7/93; 924, 2/1/94; 1041, 1/7/97; 1312, 12/6/10)

#### **SECTION 6-104: SERVICE TO NONRESIDENTS**

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the owner. Nothing herein shall be construed to obligate the City to provide water service to nonresidents. (Neb. Rev. Stat. §19-2701) (Am. by Ord. No. 913, 8/3/93)

#### **SECTION 6-105: WATER SERVICE; PERMIT AND INSTALLATION REQUIREMENTS; CONTRACT**

A. The rules, regulations and water rates hereinafter named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by any present consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and owner and the City, to which said contract both consumer and owner are bound. If the consumer or owner shall violate any of the provisions of said contract or any rules and regulations that the City Council may hereafter adopt, the water commissioner or his or her agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made save or except by order of said commissioner or his or her agent.

B. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the water commissioner, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he or she and owner shall be charged for all water used on the said premises until the water commissioner is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-537) (Am. by Ord. No. 913, 8/3/93)

C. Persons within the corporate limits of the City where any part of their property is less than 200 feet from a city water line shall connect to the city water system at the time of new construction or when a property is using a private well which needs to be replaced, except as set forth herein. The City may furnish water to persons within its corporate limits whose premises are not within 200 feet of a city water line and may also furnish water to persons whose premises are situated outside the corporate limits of the City, as and when the City Council may see fit to do so.

D. It shall be unlawful to construct or maintain any private well within the city limits on property having any part less than 200 feet from a city water line, except when the private well:

1. Is used for non-household use and there are no cross-connections with any

- city water line or private water service line; and
2. Is an existing well not otherwise in violation of any provision of the municipal code.

E. In the event a new connection does not have a basement or other suitable location for installation and maintenance of a meter, the owner shall install and use a meter pit that is constructed of material to prevent intrusion of water and that allows good access for repair or replacement. Meter pits shall be for required potable water only.

F. The connection of the building water system into the public water system shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the International Plumbing Code and International Water Disposal Code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the water commissioner before installation.

G. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean: (1) solders and flux, not more than two-tenths percent (.2%) lead and (2) pipe and pipe fittings, not more than 8% lead.

(Neb. Rev. Stat. §71-5301) (Ord. No. 761, 11/1/88) (Am. by Ord. Nos. 913, 8/3/93; 934, 6/7/94; 949, 7/5/94; 1251, 8/2/04; 1312, 12/6/10)

## **SECTION 6-106: INSTALLATION PROCEDURE**

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

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

(Neb. Rev. Stat. §17-537) (Am. by Ord. No. 913, 8/3/93)

## **SECTION 6-107: INSTALLATION OF METERS**

All water meters shall be installed inside the residence building or structure which said connection serves or in a building or structure which is heated and approved by the City to properly protect said meter and connection from weather and allow proper maintenance. On any new installation or replacement, there shall be a shutoff valve placed in the water line on each side of the meter, going into and out of said meter. The meter

must be at least 6 inches above the floor, 6 inches away from any foundation wall and at least 24 inches away from any other object or construction. The property owner shall be responsible for loss of meters and for repair and damage of meters as provided in this article. (Neb. Rev. Stat. §17-542) (Am. by Ord. Nos. 456-A, 5/4/76; 690, 2/4/86; 913, 8/3/93; 1312, 12/6/10)

## **SECTION 6-108: REPAIRS**

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

B. When meters are worn out, they shall be replaced and reset by the City at its expense; provided, if the owner permits or allows a water meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the water commissioner shall bill and collect from the owner the cost of such meter repair or replacement in the same manner as water fees are collected, including disconnection if necessary. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the City. The City reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the City shall always have the right to place a new meter on the customer's water service fixtures at city expense.

D. Should a customer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the water commissioner.

(Neb. Rev. Stat. §17-542) (Am. by Ord. Nos. 772, 5/2/89; 913, 8/3/93)

## **SECTION 6-109: FEES AND COLLECTIONS**

The City Council has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the city clerk. The water commissioner shall bill the consumers and collect all money received by the City on the account of the Water Department. He or she shall faithfully account for and pay to the city treasurer all revenue collected, taking his or her receipt therefor in duplicate, filing one with the city clerk and keeping the other on file in the Water Department's official records. (Neb. Rev. Stat. §17-540)

## **SECTION 6-110: WATER RATES**

A. All water customers shall be liable for the basic service rate and value charge

provided by ordinance unless and until the consumer shall, by written order, direct the water commissioner to shut off the water at the curb valve box, in which case he/she shall not be liable thereafter for water rates until the water is turned on again. The water service rates as adopted by ordinance are as follows:

<b>Water Meter Size</b>	<b>Basic Service Rate</b>				
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
1.0" or less	\$ 12.60	\$ 15.00	\$ 17.30	\$ 19.65	\$ 22.00
1.5"	25.20	30.00	34.60	39.30	44.00
2.0"	50.40	60.00	69.20	78.60	88.00
3.0"	100.80	120.00	138.40	157.20	176.00
4.0"	201.60	240.00	278.80	314.40	352.00
	<b>Additional Usage – per 1,000 Gallons</b>				
	1.40	1.50	1.60	1.70	1.80

B. Fees for required services are as follows:

Backflow Test	\$ 50.00
Backflow Cleaning	50.00
Labor	150.00
Sewer Inspection	40.00
Water Inspection	40.00
Water Tap (0.75"/1.0")	100.00
Water Tap (1.5"/2.0")	150.00
Reconnect (8:00 a.m. to 5:00 p.m.)	50.00
Reconnect (After 5:00 p.m. or any time on Saturday, Sunday or a holiday)	100.00

(Neb. Rev. Stat. §17-542) (Am. by Ord. Nos. 456-A, 5/4/76; 610, 8/5/82; 613, 10/7/ 82; 646, 11/1/83; 680, 8/20/85; 808, 6/5/90; 844, 8/6/91; 953, 8/2/94; 995, 8/8/95; 1064, 8/12/97; 1265, 9/12/05; 1312, 12/6/10; 1355, 1/4/16)

## **SECTION 6-111: WATER BILLS**

A. Water bills shall be due upon receipt and payable monthly at the office of the water commissioner or his agent. The commissioner or his agent shall cause the meters to be read sufficiently in advance of the first of each month to enable the city clerk to send out the bills by the first working day of each month. The commissioner or his agent shall charge and collect from each customer for the amount of water consumed since the last examination, together with any other charges, properly itemized, due to the Water Department. Bills not paid by the 15th day of each month shall be deemed delinquent.

B. Rental property shall be billed as follows:

1. If the owner has a separate water line and shutoff installed for each rental unit, the record owner may elect to have the lessee billed directly by the City. If said lessee has not paid the bill within 15 days of receipt, the City shall forthwith notify the record owner of said nonpayment and that payment must be received within seven days thereof by the record owner or lessee, otherwise the City will proceed with collection of the same under the remedies available to it.
2. In the event the record owner does not have a separate water and shut-off



for each rental unit, the record owner shall be billed and responsible for payment. The amount shall be one meter size basic service rate, together with regular rate for amounts used.

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

1. Disconnect service as provided herein;
2. File lien as provided herein;
3. Institute collection lawsuit against record owner and/or lessee.

(Neb. Rev. Stat. §17-542, 18-416) (Am. by Ord. Nos. 619, 12/2/82; 688, 1/7/86; 842, 8/6/91; 968, 3/7/95; 995, 8/8/95; 1355, 1/4/16)

## **SECTION 6-112: LIEN**

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The water commissioner shall notify in writing or cause to be notified in writing all record owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of water rent. It shall be the duty of the commissioner to report to the City Council a list of all unpaid accounts due for water, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the Council, shall be certified by the city clerk to the county treasurer to be collected as a special tax in the manner provided by law. (Am. by Ord. No. 618, 12/2/82)

## **SECTION 6-113: SINGLE PREMISES**

No consumer shall supply water to other families or allow them to take water from his or her premises nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written permission of the water commissioner. (Neb. Rev. Stat. §17-537)

## **SECTION 6-114: RESTRICTED USE**

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

## **SECTION 6-115: FIRE HYDRANTS**

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

## **SECTION 6-116: POLLUTION**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Neb. Rev. Stat. §17-536)

## **SECTION 6-117: ENTRY FOR INSPECTION AND REPAIR**

The water commissioner or his duly authorized agent(s) shall have free access and entry at any reasonable time to all parts of each premises and building to or in which water is delivered for the purposes of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water or to make any repairs or adjustments as necessary. (Neb. Rev. Stat. §17-537) (Am. by Ord. No. 845, 11/5/91)

## **SECTION 6-118: POLICE REPORTS**

It shall be the duty of the city police to report to the water commissioner all cases of leakage and waste in the use of water and all violations of the municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

## **SECTION 6-119: DESTRUCTION OF PROPERTY**

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

## **SECTION 6-120: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

A. The City shall have the right to discontinue utility services and remove its properties if the charges for such services are not paid within seven days after the date that the charges become delinquent. Before any termination, the City shall first give notice by first class mail and 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 to the City as a client of the Department of Health and Human Services, such notice shall be sent by certified mail and notice of such proposed termination shall be given to 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 City regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request

- a conference regarding any dispute over such proposed disconnection;
6. A statement that the City may not discontinue service pending the conclusion of the conference;
  7. A statement to the effect that the disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the City's service to that household. Such certificate shall be filed with the City within five days of receiving notice under this section and will prevent the disconnection of the City's service for a period of 30 days from each such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any past-due account;
  8. The cost that will be borne by the domestic subscriber for restoration of service;
  9. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
  10. A statement to the effect that those domestic subscribers who are clients of the Department of Social Services may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
  11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

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

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

E. This section shall not apply to any disconnections or interruptions of service made necessary by the City for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.  
(Neb. Rev. Stat. §70-1602 et. seq.) (Am. by Ord. Nos. 688, 1/7/86; 1058, 7/5/97)

#### **SECTION 6-121: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE**

A. Any person who connects any pipe or conduit supplying water without the knowledge and consent of the City in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it and any person who knowingly uses or knowingly permits the use of water obtained in the above-mentioned unauthorized ways shall be deemed guilty of an offense.

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 water passing through it without the knowledge and consent of the City shall be deemed guilty of an offense. Actual diversion of service is not required to be guilty.

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615 or Section 6-120 of this code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

D. Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist.

(Neb. Rev. Stat. §86-329 through 86-331) (Ord. Nos. 1023, 2/6/96; 1251, 8/2/04)

### **SECTION 6-122: RECONNECTION FEE**

In the event a user of city water has had service disconnected, there shall be a fee of \$25.00 for reconnection of said service if done during working hours and a fee of \$50.00 for reconnection of said service if done outside of regular working hours. (Ord. No. 617, 12/2/82) (Am. by Ord. No. 1043, 1/7/97)

### **SECTION 6-123: WATER LEAKS**

Because the customer is responsible for proper care and maintenance of the water meter and all water lines on his or her premises, no adjustments shall be made to any customer's water bill due to water leaks which occur. In the event the water commissioner determines the water from the leak did not enter the City's sanitary sewer system, an adjustment may be made in the customer's sewer bill as set out in the Sewer Department regulations. (Ord. No. 768, 2/7/89)

### **SECTION 6-124: BACKFLOW REGULATIONS; PURPOSE**

A. To protect the public potable water supply served by the Water Department from the possibility of contamination or pollution by isolation within its customers' internal distribution system such contaminants or pollutants which may backflow or back-siphon into the public water system.

B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system and nonpotable system.

C. To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

### **SECTION 6-125: BACKFLOW REGULATIONS; AUTHORITY**

Authority to impose these backflow regulations:

A. The Federal Safe Drinking Water Act of 1974 and Neb. Rev. Stat. Chapter 71 provide that the water supplier has primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

B. O'Neill Water Department rules and regulations.

## **SECTION 6-126: BACKFLOW REGULATIONS; RESPONSIBILITY**

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

## **SECTION 6-127: BACKFLOW REGULATIONS; DEFINITIONS**

“Approved” shall mean accepted by the utility superintendent as meeting an applicable specification stated or cited in the regulation or as suitable for the proposed use.

“Auxiliary water supply” shall mean any water supply on or available to the premises other than the supplier's approved public potable water supply.

“Backflow” shall mean the flow of water or other liquids, mixtures or substances under positive or reduced pressure in the distribution pipes of a potable water system from any source other than its intended source.

“Backflow preventer” shall mean a device or means designed to prevent backflow or backsiphonage. Most commonly categorized as the following:

1. Air gap: a physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system any other system; physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than 1 inch.
2. Atmospheric vacuum breaker: a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system, to be used only if equipped with downstream valves.
3. Barometric loop: a fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies.
4. Double check valve assembly: two independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve; a strainer must be placed immediately upstream of this device.
5. Double check valve with intermediate atmospheric vent: a device having two spring-loaded check valves separated by an atmospheric vent chamber; a

strainer must be placed immediately upstream of the device.

6. Hose bibb vacuum breaker: a device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker; a strainer must be placed immediately upstream of the device.
7. Pressure vacuum breaker: a device containing one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks and includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s); a strainer must be placed immediately upstream of the device.
8. Reduced pressure principle backflow preventer: an assembly consisting of two independently operating approved check valves and an automatically operating differential relief valve located between the two check valves, tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve; a strainer must be placed immediately upstream of the device.

“Backpressure” shall mean a condition in which the owner's system pressure is greater than the supplier's system pressure.

“Backsiphonage” shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by the sudden reduction of pressure in the potable water supply system.

“Commission” shall mean the State Water Supply and Pollution Control Commission.

“Containment” shall mean a method of backflow prevention which requires a backflow preventer at the water service entrance.

“Contaminant” shall mean a substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public, leading to poisoning or the spread of disease.

“Cross-connection” shall mean any actual or potential connection between the public water supply and a source of contamination or pollution.

“Department” shall mean the City of O'Neill Water Department.

“Fixture isolation” shall mean a method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

“Owner” shall mean any person who has legal title to a property upon which a cross-connection is present.

“Person” shall mean any individual, partnership, company, public or private corporation; political subdivision or agency of the State; department, agency or instrumentality or the United States; or any legal entity.

“Permit” shall mean a document issued by the Department which allows the use of a backflow preventer.

“Pollutant” shall mean a foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard or impair the usefulness or quality of the water to a degree which does adversely and unreasonably affect such water for domestic use.

“Water service entrance” shall mean that point in the owner's water system beyond the sanitary control of the District, generally considered to be outlet end of the water meter and always before any unprotected branch.

“Utility superintendent” or his elected representative in charge of the O'Neill Water Department shall mean the person invested with the authority and responsibility for the implementation of a cross-connection control program and for the enforcement of the provisions of the ordinance.

### **SECTION 6-128: BACKFLOW REGULATIONS; ADMINISTRATION**

A The Department will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the Commission's cross-connection regulations and is approved by the Commission.

B. The owner shall allow his or her property to be inspected for possible cross-connections and shall allow the provisions of the Department's program and the Commission's regulations if a cross-connection is permitted.

C. If the Department requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. He or she may utilize public health officials or personnel from the Department or their delegated representatives to assist him or her in the survey of his or her facilities and to assist in the selection of proper fixture outlet devices and the proper installation of these devices.

### **SECTION 6-129: BACKFLOW REGULATIONS; REQUIREMENTS**

A. Department:

1. On new installations, the Department will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, will issue permit, and perform inspection and testing.
2. For premises existing prior to the start of this program, the Department will:
  - a. Provide owner with an evaluation form of the present installation.
  - b. Inform the owner of its intentions regarding the evaluation and inspection in advance of the inspection and will work with the owner in setting up a convenient time. The Department will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the

correction, and time allowed for the correction to be made. Ordinarily, 90 days will be allowed; however, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

3. The Department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation and that it is approved by and in compliance with the American Water Works Association.
4. The Department shall inform the owner by letter of any failure to comply by the time of the first re-inspection and will allow an additional 15 days for the correction. In the event that the owner fails to comply with the necessary correction by the time of the second re-inspection, the Department will inform the owner by letter that the water service to the owner's premises will be terminated in a period not to exceed five days. In the event that the owner informs the Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Department but in no case will exceed an additional 30 days.
5. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
6. The Department shall have on file a list of private contractors who are certified backflow device testers. All charges for these tests will be paid by the owner of the building or property.

B. Owner:

1. The evaluation shall be completed by the record owner of the real estate and returned to the City within 10 days of the receipt by owner. If a form is not satisfactorily completed and returned as set forth, the installation shall be deemed a high hazard/serious threat and subject to disconnection.
2. The owner shall be responsible for the elimination or protection of all cross-connections on his or her premises.
3. The owner, after having been informed by a letter from the Department, at his or her expense shall install, maintain, and test or have tested any and all backflow preventers on his or her premises.
4. The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
5. The owner shall inform the Department of any proposed or modified cross-connections and also any existing cross-connections or of which the owner is aware but have not been found by the Department.
6. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must sup-



ply additional devices necessary to allow testing to take place.

7. The owner shall install only backflow preventers approved by the Department and shall install them in a manner approved by the Department.
8. Any owner having a private well or other water source must have a permit if the well or source is cross-connected to the Department's system. Permission to cross-connect may be denied by the Department. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department's system.
9. In the event owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
10. The owner shall be responsible for the payment of all fees for permits, annual or semiannual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for noncompliance with Department or Commission requirements.

#### **SECTION 6-130: BACKFLOW REGULATIONS; DEGREE OF HAZARD**

The Department recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved reduced pressure principle backflow prevention devices or double check valves.

#### **SECTION 6-131: BACKFLOW REGULATIONS; PERMITS**

The Department shall not permit cross-connection within the public water supply system unless it is considered necessary and it cannot be eliminated.

A. Cross-connection permits that are required for each backflow prevention device shall be obtained from the Department. A fee of \$10.00 will be charged for the initial permit and \$5.00 for the renewal of each permit.

B. Permits shall be renewed every five years and are nontransferable. Permits are subject to revocation and become immediately revoked if the owner should change the type of cross-connection or degree of hazard associated with the service.

C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer.

#### **SECTION 6-132: BACKFLOW REGULATIONS; EXISTING DEVICES**

Any existing backflow preventer shall be allowed by the Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a re-

duced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device was present.

### **SECTION 6-133: BACKFLOW REGULATIONS; PERIODIC TESTING**

A. Reduced pressure principle backflow devices shall be tested and inspected at least semiannually. Periodic testing shall be performed by the Department's certified tester or his delegated representative and shall be done at the owner's expense. The testing shall be conducted during the Department's regular business hours. Exceptions, when at the request of the owner, may require additional charges to cover the increased costs to the Department.

B. Any backflow preventer which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be re-tested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

C. Backflow prevention devices will be tested more frequently than specified in subsection (A) above in cases where there is a history of test failure and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the owner.

### **SECTION 6-134: BACKFLOW REGULATIONS; RECORDS AND REPORTS**

A. *Records.* The Department will initiate and maintain the following:

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

B. *Reports.* The Department will submit the following to the Commission:

1. Initial listing of low hazard cross-connections to the State.
2. Initial listing of high hazard cross-connections to the State.
3. Annual updated lists of items (1) and (2) above.
4. Annual summary of cross-connection inspections to the State.

### **SECTION 6-135: BACKFLOW REGULATIONS; FEES AND CHARGES**

The Department will publish a list of fees and charges for the following services or permits:

- A. Testing fees.
- B. Repairs, parts and labor.
- C. Re-testing fees.
- D. Fee for re-inspection.

E. Copies of lists and summaries supplies to the Commission.

### **SECTION 6-136: BACKFLOW REGULATIONS; BACKFLOW PREVENTER**

Effective as of the date of the original acceptance of this cross-connection control program for the City, all new residential buildings will be required to install a residential backflow prevention device immediately downstream of the water meter. Installation of such device on a retrofit basis on an existing service line will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Department. The Department recommends all existing residential buildings install a backflow prevention device. In order to increase the installation of the devices in existing residences, the installation will be required at the time of transfer of ownership of any residential property that does not have such check devices at the time of transfer. The City is not liable for any failure that occurs in the existing system after a backflow prevention device has been installed.

### **SECTION 6-137: BACKFLOW REGULATIONS; STRAINERS**

All new retrofit installations of reduced pressure principle devices and double check valve backflow preventers must include the installation of strainers located immediately upstream of each backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers. (Ord. No. 798, 2/6/90) (Am. by Ord. No. 912, 8/3/93)

### **SECTION 6-138: CITY WELLS; SAFE ZONE**

A safe zone shall be established around each of the City's public wells following the guidelines set by the State Department of Health. No changes will be allowed in the area surrounding any public wells of the City that will bring any public wells into violation of the guidelines set by the Department of Health for the drilling of public wells. While this ordinance will be construed to include any guidelines set by the Department and to allow for any changes in the said guidelines, at this time the guidelines include:

- A. No private well within 1,000 feet;
- B. No corral or feedlot within 500 feet;
- C. No septic tank, cesspool, or other waste disposal facility within 500 feet;
- D. No sewer manhole or sewer connection within 100 feet;
- E. No sewer line within 50 feet.

(Ord. No. 831, 5/7/91)

## **Article 2 – Sewer Department**

### **SECTION 6-201: DEFINITIONS**

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

"BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure

in five days at 20° C. expressed in milligrams per liter.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer.

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

"City" shall mean the City of O'Neill, Nebraska.

"City engineer" shall mean the city engineer of the City of O'Neill, Nebraska, or his authorized deputy, agent, or representative.

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

"Commercial or industrial contributor or user" shall mean any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for any purpose other than domestic dwelling purposes. Any contributor whose lot, parcel of real estate or building is used jointly for domestic dwelling purposes and for commercial purposes shall be considered a commercial contributor. Industrial contributors may also be subject to the provisions of the City's Industrial Cost Recovery Ordinance No. 541.

"Consumer" shall mean user, lessee, customer, person and subscriber and shall be any individual, partnership, company, public or private corporation; political subdivision or agency of the state; department, agency or instrumentality of the United States; or any legal entity which utilizes the sewer service of the City.

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

"Hearing Board" shall mean that board appointed according to provisions of Section 6-227 of this article.

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

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

"Normal domestic wastewater" shall mean wastewater that has a BOD concentration of not more than 290 mg/l and a suspended solids concentration of not more than 340 mg/l.

"Operation and maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

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

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

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 centimeters) in any dimension.

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

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

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment facility.

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

"Residential contributor or user" shall mean any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

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

"Sewage" shall mean a combination of the water-carried wastes from property, together with such ground, surface and storm waters as may be present.

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

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

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

"Sewer commissioner" shall mean the sewer commissioner of the City of O'Neill or his authorized representative, deputy or agent.

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

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

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

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

"Treatment works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Useful life" shall mean the estimated period during which any treatment works will be operated.

"User charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

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

(Ord. No. 540, 6/3/80)

## **SECTION 6-202: OPERATION AND FUNDING**

A. The City owns and operates the Sewer Department through the sewer commissioner. For the purposes of defraying the cost of the maintenance and repair of any sewer or water utilities in the City, the City Council may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the Sewer Fund and shall remain in the custody of the city treasurer.

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

(Neb. Rev. Stat. §17-149, 17-925.01) (Ord. No. 1099, 7/6/98)

## **SECTION 6-203: SEWER SERVICE; PERMIT REQUIREMENTS**

A. Persons within the corporate limits of the City where any part of their property is less than 200 feet from a city sewer line shall connect with the sewer all toilets, urinals, sinks, lavatories, laundry tubs, bathtubs and fixtures of whatever kind and character in or on such property from which water is wasted:

1. At the time of new construction;
2. When a property is using a private septic system and ownership is transferred by sale thereof; or
3. When a property is using a private septic system which needs to be replaced.

B. All such persons shall make such connections within 30 days after the service of notice as herein provided. The notice may be served by delivering the same personally to the owner by registered mail addressed to such owner at his or her office or place of residence or by publication in a paper published and of general circulation in the City.

C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the city limits on a property where any part is within 200 feet of an existing sewer line.  
(Ord. No. 540, 6/3/80) (Am. by Ord. Nos. 934, 6/7/94; 1252, 8/2/04)

## **SECTION 6-204: INSTALLATION REQUIREMENTS**

A. No person shall uncover, make any connections with, or opening into, or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer commissioner.

B. The owner or his or her agent shall make application for connection on a form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the sewer commissioner. A permit, inspection and tapping fee shall be paid to the City at the time the building permit or application is filed, as set by resolution.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner, who may obtain a tapping saddle from the City at a fair cost determined by the City. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

E. A separate and independent building sewer shall be provided for every building. Except where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining

alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

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

G. The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply.

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

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

J. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the International Plumbing Code and International Sewer Disposal Code. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the sewer commissioner before installation.

K. In the event a building does not have a basement, the owner shall use and install a manufactured meter pit for connections to the city sewer system.

L. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade and, during the night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the sewer commissioner shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the owner. All installations or repairs of pipes require two inspections by the commissioner as follows: (1) when connections or repairs are completed and before the pipes are covered; and (2) after the dirt work is completed and the service is restored.

M. It is the owner's responsibility to notify the sewer commissioner at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed by the commissioner and reviewed and approved by the City Council.

(Ord. No. 540, 6/3/80)



## SECTION 6-205: CUSTOMER DEPOSITS

A. All new customers, except customers served by the City within the past 12 months who have established satisfactory payment records for previous service, shall be required to make a deposit with the City as follows:

<b>Water Meter Size</b>	<b>Combined Deposit</b>				
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
1.0" or less	\$ 150.00	\$ 155.00	\$ 160.00	\$ 165.00	\$ 170.00
1.5"	250.00	270.00	290.00	320.00	340.00
2.0"	490.00	540.00	590.00	640.00	680.00
3.0"	980.00	1,080.00	1,180.00	1,270.00	1,370.00
4.0"	1,970.00	2,160.00	2,350.00	2,540.00	2,740.00
This deposit amount is one amount for water, sewer and/or garbage or any combination of the three.					

B. Each deposit shall be refunded when the customer has established a satisfactory payment record for a period of 12 consecutive months and has not been served with more than two disconnect notices during such period of time. When supported by facts, the mayor may determine that the deposit shall be held for a longer period to assure a satisfactory payment record.

C. The City may offset any customer's deposit at any time during which the customer's account is delinquent. Such deposit may also be used to offset any payment due on any other account of the customer, payment for damages due from the customer, or payment of a judgment obtained by the City for any reason either against the property owner or customer, if a different person.

D. The City may use any means available by law for collection of a customer's delinquent account in addition to use of his or her deposit.

(Am. by Ord. Nos. 850, 10/1/91; 917, 9/7/93; 924, 2/1/94; 1041, 1/7/97; 1265, 9/12/05; 1312, 12/6/10; 1355, 1/4/16)

## SECTION 6-206: SEWER RATES

A. The sewer rates as adopted by ordinance are as follows:

<b>USER ON CITY SEWER SYSTEM</b>					
<b>Water Meter Size</b>	<b>Basic Service Rate</b>				
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
1.0" or less	\$ 10.40	\$ 12.85	\$ 15.30	\$ 17.70	\$ 20.10
1.5"	20.80	25.70	30.60	35.40	40.20
2.0"	41.60	51.40	61.20	70.80	80.40
3.0"	83.20	102.80	122.40	141.60	160.80
4.0"	166.40	205.60	244.80	283.20	321.60
<b>Additional Usage – per 1,000 Gallons</b>					
	2.40	2.50	2.60	2.70	2.80

<b>USER NOT ON CITY SEWER SYSTEM</b>					
	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Residential/Month	\$60.50	\$63.00	\$65.00	\$67.00	\$69.00
Commercial/Month	70.50	73.00	75.00	77.00	79.00

**COMMERCIAL HAULERS**

Commercial haulers shall only dump at the waste treatment plant and only after receiving permission from the sewer commissioner. Dumping rates shall be as set by the sewer commissioner from time to time.

B. Fees for required services are as follows:

Backflow Test	\$ 50.00
Backflow Cleaning	50.00
Labor	150.00
Sewer Inspection	40.00
Water Inspection	40.00
Water Tap (0.75"/1.0")	100.00
Water Tap (1.5"/2.0")	150.00
Reconnect (8:00 a.m. to 5:00 p.m.)	50.00
Reconnect (After 5:00 p.m. or any time on Saturday, Sunday or a holiday)	100.00

(Ord. No. 540, 6/3/80) (Am. by Ord. Nos. 569, 3/5/81; 610, 8/5/82; 613, 10/7/82; 681, 8/20/85; 769, 2/7/89; 808, 6/5/90; 844, 8/6/91; 913, 8/3/93; 953, 8/2/94; 995, 8/8/95; 1025, 3/5/96; 1130, 7/6/99; 1245, 1/5/04; 1251, 8/2/04; 1265, 9/12/05; 1275, 6/5/06; 1312, 12/6/10; 1355, 1/4/16)

**SECTION 6-207: COLLECTION OF SEWER CHARGES**

A. All sewer users shall be billed monthly. The bills are due upon receipt and payable monthly at the office of the sewer commissioner or his agent. Bills not paid by the 15th day of each month shall be deemed to be delinquent.

B. Billing and collection for rental properties shall be billed to owners or lessees in the same manner as water service for the premises.

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

1. Disconnect service as provided herein;
2. File lien as provided herein;
3. Institute collection lawsuit against record owner and/or lessee.

(Neb. Rev. Stat. §17-542, 18-416) (Ord. No. 540, 6/3/80) (Am. by Ord. Nos. 688, 1/7/86; 842, 8/6/91; 968, 3/7/95; 995, 8/8/95)

**SECTION 6-208: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

A. The City shall have the right to discontinue services and remove its properties if the charges for such services become delinquent pursuant to the delinquency provision heretofore set forth in this Chapter. Before any termination, the sewer commissioner 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. As to any subscriber who has previously been identified to the City as a client of the Department of Health and Human Services, such notice shall be sent by certified mail and notice of such proposed termination shall be given to 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 sub-subscriber either pays the bill or reaches an agreement with the City regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic sub-subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the City may not discontinue service pending the conclusion of the conference;
7. A statement to the effect that the disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the City's service to that household. Such certificate shall be filed with the City within five days of receiving notice under this section and will prevent the disconnection of the City's service for a period of 30 days from each such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past-due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are clients of the Department of Social Services may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

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

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

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

(Neb. Rev. Stat. §19-2701 et seq.) (Ord. No. 525, 11/6/79) (Am. by Ord. No. 688, 1/7/86)

## **SECTION 6-209: LIEN**

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was used. The sewer commissioner shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of sewer rent. It shall be the duty of the commissioner to report to the City Council a list of all unpaid accounts due for sewer, together with a description of the premises upon which the same was used. The report shall be examined and if approved by the Council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Ord. No. 620, 12/2/82) (Am. by Ord. No. 862, 1/7/92)

## **SECTION 6-210: SEWER COMMISSIONER; RECORDS; BILLING OF FEES**

It will be the responsibility of the sewer commissioner to maintain and keep records of who has made service calls and determine whether it is the City's or the customer's problem, so as to determine whether or not the charge should be assessed. It is also the commissioner's responsibility to see that the customer has been billed if a fee has been required under these regulations. (Ord. No. 1042, 1/7/97) (Am. by Ord. No. 1046, 1/7/97)

## **SECTION 6-211: USE OF REVENUES; OPERATION AND MAINTENANCE**

The user charge system shall generate adequate revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may, by ordinance, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this article.

A. That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in Section 6-205, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

1. An account designated for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the treatment works (Operation and Maintenance Account).
2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made from the operation, maintenance and replacement revenue in the amount of \$25,600.00 annually.

B. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for such accounts. Monies which have been transferred from other sources to meet temporary shortages in the either fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement.

The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(Ord. No. 540, 6/3/80; 1130, 6/7/99)

## **SECTION 6-212: REVIEW OF RATES**

The City will review the user charge rate at least every two years and revise such rates as necessary to ensure that the system generates sufficient revenue to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance costs, including replacement costs and debt retirement, among users and user classes. (Ord. No. 540, 6/3/80)

## **SECTION 6-213: PRIVATE SEWAGE DISPOSAL SYSTEMS**

A. Where a public sanitary or combined sewer is not available under the provisions of Section 6-202, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the sewer commissioner. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the sewer commissioner. A permit and inspection fee of \$10.00 shall be paid to the City at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sewer commissioner. 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 sewer commissioner when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the sewer commissioner.

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

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

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

G. No statement contained in this article shall be construed to interfere with any

additional requirements that may be imposed by state or federal Law.

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days.

(Ord. Nos. 540, 6/3/80; 1130, 6/7/99)

#### **SECTION 6-214: UNAUTHORIZED ENTRY; DAMAGE TO SYSTEM**

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest and may be prosecuted to the full extent of the law. (Ord. No. 540, 6/3/80) (Am. by Ord. No. 861, 1/7/92)

#### **SECTION 6-215: DISCHARGE OF UNTREATED SEWAGE; UNLAWFUL**

It shall be unlawful to discharge to any natural outlet within the City or within two miles of the corporate limits thereof or in any area under the jurisdiction of the City any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. (Ord. No. 540, 6/3/80)

#### **SECTION 6-216: DISCHARGE OF UNPOLLUTED WATERS**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the city engineer or the sewer commissioner. Industrial cooling water or unpolluted process waters shall be discharged, at the request of the city engineer or the sewer commissioner, to a storm sewer or natural outlet. (Ord. No. 540, 6/3/80)

#### **SECTION 6-217: DISCHARGES INTO PUBLIC SEWERS; TYPES NOT PERMITTED**

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

A. Any storm water, surface water, ground water, roof run-off, exterior or interior foundation drainage or subsurface drainage. Uncontaminated cooling water or heating water and unpolluted industrial process waters may be discharged to a sanitary sewer only if expressly authorized by the sewer commissioner.

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

C. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

D. Any waters or wastes having a pH lower than 5.5 or having any other corro-

sive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

F. Any waters or wastes having a five-day BOD greater than 290 parts per million by weight, containing more than 340 parts per million by weight of suspended solids, or having an average daily flow greater than 2% of the average sewage flow of the City shall be subject to the review of the sewer commissioner.

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

1. Reduce the BOD to 290 parts per million by weight, or
2. Reduce the suspended solids to 340 parts per million by weight, or
3. Control the quantities and rates of discharge of such water or wastes.

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

(Ord. No. 540, 6/3/80) (Am. by Ord. No. 928, 5/3/94)

#### **SECTION 6-218: DISCHARGES INTO PUBLIC SEWERS; SEWER COMMISSIONER'S DISCRETION**

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

A. Any liquids or vapors having a temperature higher than 150° F or 65° C.

B. Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F or 0° and 65° C.

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the sewer commissioner.

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

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

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

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

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

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids such as but not limited to Fuller's earth, lime slurries and lime residues, or of dissolved solids such as but not limited to sodium chloride and sodium sulfate.
2. Excessive discoloration such as but not limited to dye wastes and vegetable tanning solutions.
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load of the sewage treatment works.
4. Unusual volume of flow or concentration of wastes constituting slugs.

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

(Ord. Nos. 540, 6/3/80; 1130, 6/7/99)

## **SECTION 6-219: PROHIBITED DISCHARGES; OPTIONS**

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-218 and which in the judgment of the sewer commissioner may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the commissioner may:

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



sions of this article.

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

(Ord. No. 540, 6/3/80)

#### **SECTION 6-220: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED**

Grease, oil and sand interceptors shall be provided by the owner of a property when, in the opinion of the sewer commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for residences. All interceptors shall be of a type and capacity approved by the commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. No. 540, 6/3/80)

#### **SECTION 6-221: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. No. 540, 6/3/80)

#### **SECTION 6-222: SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE**

The owner of any property serviced by a building sewer carrying industrial wastes shall, at the request of the city engineer or the sewer commissioner, install a suitable sampling station or stations upon each and every building sewer or shall combine said building sewers into one common building sewer upon which one sampling station shall be placed. The sampling station(s) shall be furnished with such necessary meters and other appurtenances in the building sewer(s) to facilitate observation, sampling and measurement of the wastes. Such sampling station(s) shall be accessibly and safely located and shall be constructed in accordance with plans approved by the city engineer or the sewer commissioner. The sampling station(s) 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. The sampling equipment will be furnished and maintained by the City. (Ord. No. 540, 6/3/80)

#### **SECTION 6-223: SAMPLING OF WATERS AND WASTES; 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 sampling station provided or upon suitable samples taken at said sampling station. One copy of the latest edition of said volume shall be kept on file in the office of the city clerk for use and examination by the public. In the event no special sampling station has been required, the sampling station shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effort of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of any premises is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.) (Ord. Nos. 540, 6/3/80; 1130, 6/7/99)

#### **SECTION 6-224: TREATMENT OF INDUSTRIAL WASTE; SPECIAL AGREEMENT WITH CITY**

No statement contained in this article shall be construed as preventing a special agreement or arrangement between the City and the owner of any property whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the owner. (Ord. No. 540, 6/3/80)

#### **SECTION 6-225: RIGHT OF ENTRY; AUTHORITY OF CITY ENGINEER AND SEWER COMMISSIONER**

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

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

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

C. Notwithstanding the foregoing, if the city engineer or the sewer commissioner has reasonable cause to believe that waters or wastes of the types referred to in Sections 6-217 and 6-218 of this article are being discharged from any property into a public sewer or natural outlet and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health or safety, he shall have the right, using reasonable means required, to effect such entry and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, he shall first present the proper credentials to the occupant and demand entry, explaining his reasons therefor and the purpose of his inspection. No person shall fail or refuse, after proper demand has been made upon him or her as provided in this paragraph, to promptly permit the city engineer or the sewer commissioner to make any inspection provided for by this paragraph. Any person violating this paragraph shall be guilty of a misdemeanor.

D. The city engineer and the sewer commissioner shall have no authority to in-

quire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries nor shall he have the right to enter into areas (1) where methods and/or processes are entitled to protection as trade secrets of the property owner or (2) beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

(Ord. No. 540, 6/3/80)

#### **SECTION 6-226: SEWER COMMISSIONER HELD HARMLESS**

The City shall hold harmless the sewer commissioner, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required by this ordinance or by reason of any act or omission of the sewer commissioner in the discharge of his duties. Any suit brought against the City or the sewer commissioner because of any such act or omission in the carrying out of the provisions of this article shall be defended by the city attorney through final determination of such proceedings. (Ord. No. 540, 6/3/80)

#### **SECTION 6-227: HEARING BOARD**

A. The mayor shall appoint a Hearing Board to arbitrate differences between the city engineer and/or sewer commissioner and any person aggrieved by any decision of the city engineer and/or sewer commissioner concerning the interpretation and execution of any provision of this article. Such Board shall be appointed within five days after request therefor, setting forth the specific matter in dispute, has been filed with the mayor by such person. All costs of arbitration shall be divided equally between the City and the person requesting the Board. The rate or amount of pay to be received by the board members shall be determined by the mayor before the Board convenes.

B. All Hearing Boards shall be appointed ad hoc but in selecting a given Hearing Board the mayor may appoint one or more members of any such prior-appointed Board. The mayor may consult with the city engineer, the sewer commissioner, and with the person requesting the Board concerning the appointment of board members but he or she shall make a reasonable effort not to appoint anyone who is employed by, retained by, or otherwise subject to control or influence of the city engineer, the sewer commissioner, the person requesting the Board, or the City. The mayor's decisions as to choice of board members shall be final.

C. Each Hearing Board shall convene within ten days after it is appointed and elect its chairman and such other officers as it desires from among its members, establishing its own rules of procedure, provided that three members shall constitute a quorum for the transaction of business and three affirmative votes shall be required for final action on any matter acted upon by the Board. The Board shall make specific findings and conclusions based upon the testimony and evidence properly presented to it and shall render its decision based upon such findings and conclusions within 30 days after the date the Board convenes. At the end of such period of time the Board shall automatically cease to exist. Such decision shall be in full resolution of the said dispute. Neither the Hearing Board nor any member thereof shall in any way be liable to the City or to any person whomsoever for any such decision rendered by it. The decision of the Board

shall be binding upon the City and upon the person requesting the Board. Its decision may be appealed by either or both parties to the District Court of Holt County, Nebraska.

D. Nothing contained in this article shall be construed to preclude any person aggrieved by any decision of the city engineer or the sewer commissioner concerning the interpretation and execution of any provision of this article from appealing such decision to the District Court of Holt County, Nebraska.

(Ord. No. 540, 6/3/80) (Am. by Ord. No. 862, 1/7/92)

## **SECTION 6-228: PENALTIES**

A. Any person upon whom a duty is placed by the provisions of the Hazardous Discharges Regulations (Sections 6-217 through 6-225) and who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00 for each violation, together with the costs of prosecution. Each day that a violation of said regulations continues shall constitute a separate and distinct offense and shall be punishable as such; provided, however, that any such person upon whom a duty is placed by the provisions of said regulations who shall fail, neglect or refuse to perform such duty or who shall violate any of the provisions of said sections may be served by the City with written notice stating the nature of such duty or of such violation and providing a reasonable time limit for the satisfactory correction of such duty or violation. Such person shall, within such period of time, perform such duty or cease such violation; otherwise, for each day after such period of time that such person fails, neglects, or refuses to perform such duty or violates such provision, he or she shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as above provided.

B. In addition to or in lieu of other remedies provided the City to correct or abate a failure, neglect or refusal to perform a duty imposed by the said Hazardous Discharges Regulations or a violation of a provision of such regulations, the city engineer or the sewer commissioner may revoke any permit issued under the provisions of such regulations and may effect the discontinuation of service to the owner of the property. The engineer or the commissioner may also institute injunction or other appropriate action or proceeding. However, with the exception of repeated non-accidental discharges to the public sewer of waters or wastes of the types referred to in subsections 6-218 (A) through (J), the engineer or the commissioner shall give the owner at least 15 days' written notice before revoking such permit or discontinuing water or sewer service; except, if within said 15-day period such owner requests a hearing before the Hearing Board as herein provided, the engineer or the commissioner shall not revoke such permit nor discontinue such water or sewer service unless authorized by said Board or by a court of competent jurisdiction upon appeal from said Board.

C. Any person who accidentally discharges into a public sewer any waters or wastes of the types referred to in Section 6-217 of this article shall immediately notify the sewer commissioner by the quickest means available, supplying him with all information pertaining to such discharge as the commissioner may request to enable him to take proper action to protect persons, public sewers and sewage treatment processes which may be endangered by such discharge. Such an accidental discharge shall not constitute a violation of this article, provided that prompt report of such discharge is made to the sewer commissioner as aforesaid.

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

(Ord. No. 540, 6/3/80) (Am. by Ord. Nos. 862, 1/7/92; 1235, 7/7/03)

## **Article 3 – Municipal Landfill**

### **SECTION 6-301: OPERATION AND FUNDING**

The City owns and operates the municipal landfill. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the municipal landfill, may each year levy a tax not to exceed the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be placed in the General Fund and shall remain in the custody of the city treasurer. Monies so levied and collected will be set aside by the Council in the city budget for operation and maintenance of the landfill and will be known as the landfill budget. All monies collected to pay for garbage collection, which will be privately contracted curbside collection of garbage as set forth in Article 4 herein, will also be placed in the landfill budget. The landfill operator shall have the authority to adopt rules and regulations for the sanitary and efficient management of the landfill, subject to the supervision and review of the City Council. The Council shall provide by ordinance for the management and operation of the landfill and shall set the rates to be charged for services rendered by ordinance and file the same in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §19-2101 through 19-2106) (Am. by Ord. Nos. 765, 11/14/88; 1030, 7/2/96)

### **SECTION 6-302: STATE REGULATION**

In the event it is necessary, the City shall apply for any applicable licenses or approvals needed to operate a solid waste disposal facility. Application shall be made to the Department of Environmental Quality on forms provided by the Department. The landfill of the City is an officially closed landfill under state regulations and what is known as the landfill is currently being maintained under rules used for an approved burn pile and tree dump and as an approved land-applied grass pile. It shall be the duty of the landfill operator to comply with the rules and regulations prescribed by DEQ for the use and operation of the landfill. (Neb. Rev. Stat. §81-1517, 81-151) (Am. by Ord. Nos. 765, 11/14/88; 1030, 7/2/96)

### **SECTION 6-303: HOURS OF OPERATION**

Hours of operation of the landfill shall be recommended jointly by the landfill operator and the mayor and presented to the City Council for approval. The hours shall be adopted by a majority of the Council. Operation hours shall be posted continuously at the city clerk's office and at the landfill site, and changes in hours shall be published in a legal newspaper of the City. (Am. by Ord. Nos. 765, 11/14/88; 1030, 7/2/96)

## **SECTION 6-304: REGULATIONS**

The following regulations shall be in effect for the landfill:

A. The landfill shall be open to the dumping of tree limbs and branches, grass clippings, leaves, garden refuse and clean concrete.

B. The landfill is closed to all dumping of trash, refuse, garbage, paper, cardboard, glass, metal (including appliances), lumber, mattresses, shingles, tires, construction debris, concrete with rebar, carpet, animal matter or putrescible or hazardous waste, including chemical containers, asbestos and Freon tanks.

C. The discharge of firearms, except for approved law enforcement agencies, in or on the landfill property is prohibited.

D. The dumping of dead animals, automotive parts or metal is prohibited.

E. Burnable materials, grass, and non-burnable materials shall be specific areas designated by the landfill operator.

(Am. by Ord. Nos. 765, 11/14/88; 849, 10/1/91; 1030, 7/2/96)

## **SECTION 6-305: SCAVENGING**

No scavenging will be allowed at the landfill unless authorized by the City Council. (Ord. No. 765, 11/14/88) (Am. by Ord. No. 1030, 7/2/96)

## **SECTION 6-306: C & D LANDFILL; RATES**

Rates for materials brought to the City which qualify for placement in the landfill and are loaded separately from any non-qualifying materials are established as follows:

A. Any load under two tons: \$.025 per pound or \$50.00 per ton;

B. Any load under two tons: \$.0125 per pound or \$25.00 per ton.

(Ord. No. 1238, 7/7/03)

## **Article 4 – Garbage and Refuse**

### **SECTION 6-401: DEFINITIONS**

"Garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

"Rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the City.

"Waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust or sand.

## **SECTION 6-402: RECEPTACLES**

It shall be unlawful for any person to keep in, on, or about any dwelling, building or premises or any other place in the City decayed vegetable or animal substance, garbage or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the City, unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly airtight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste or rubbish of any kind. No person may permit garbage, rubbish, waste or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by the police chief, who shall represent the Board of Health. Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week. (Neb. Rev. Stat. §19-2106)

## **SECTION 6-403: AUTHORITY OF CITY COUNCIL**

The City Council may provide for the collection and removal of garbage or refuse found upon any lot or land within the corporate roads or alleys abutting such lot or land which constitutes a public nuisance. The City may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads or alleys. (Neb. Rev. Stat. §18-1303) (Ord. No. 759, 10/4/88)

## **SECTION 6-404: REMOVAL REQUIRED; NOTICE**

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the City through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads or alleys. (Neb. Rev. Stat. §18-1303) (Ord. No. 759, 10/4/88)

## **SECTION 6-405: ACCUMULATION UNLAWFUL; NUISANCE**

The accumulation of garbage or refuse upon any lot or land is determined to constitute an immediate nuisance and hazard to public health and safety. Any person permitting the accumulation of such garbage or refuse on property owned or controlled by him or her shall be guilty of a misdemeanor. If, after 24 hours' notice by personal service by the O'Neill Police Department to the owner or person in possession of such property, such garbage or refuse is not removed, the City shall remove the garbage or refuse or cause it to be removed from such lot or land. In addition to removing such garbage or refuse, the City may charge the owner of such property or the party in possession of the same for maintenance of a nuisance. (Neb. Rev. Stat. §18-1303) (Ord. No. 759, 10/4/88)

## **SECTION 6-406: FAILURE OF OWNER; REMOVAL BY CITY; COST; LIEN**

Whenever the City removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this article, it shall, after a hearing conducted by the City Council, assess the cost of the removal against such lot or land. (Neb. Rev. Stat. §18-1303) (Ord. No. 759, 10/4/88)

## SECTION 6-407: COLLECTION REGULATIONS

The City will exclusively provide weekly curbside collection of the normal household trash, refuse, garbage, etc., from all residences with the City, as follows:

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

B. Residents shall have refuse ready for collection at the street curbside in approved metal or plastic containers with the lids secured or in properly tied plastic bags. Additional pickup at any one residence shall be contracted for directly with the City on an individual basis at established rates. No lawn clippings or trimmings may be placed with refuse, mixed or separately, for regular pickup between April 1 and November 1 or as may be designated from time to time by state or federal regulations. Lawn clippings or trimmings may be delivered by residents to the landfill compost site or residents may lease a container from the City for weekly pickup at rates established by ordinance from time to time.

C. Residents will be responsible for litter or spillage prior to collection. The City shall be responsible for litter or spillage after collection.

D. All refuse collected by the City shall be delivered to and deposited in a state-licensed landfill or approved recycling plant site.

E. The City will exclusively provide "roll-off" service within the City at rates established by ordinance from time to time.

(Am. by Ord. No. 1281, 3/19/07)

## SECTION 6-408: COLLECTION FEES

A. *Residential.* Each residence will be charged the sum of \$15.38 per month for refuse collection or \$18.45 with cart, except residences that qualify for the senior citizen rate. Residents 65 years of age or older who live alone and residents 70 years of age living with only one other person shall be eligible for the senior discount and will be charged the sum of \$12.30 per month. All senior citizens eligible for the discount rate shall be required to sign a certificate qualifying them for such rates. When someone signs up for the discount plan, his or her rate will not be reduced to the discount rate until the next month.

B. *Commercial.* Each commercial account will be charged according to the following rate schedule per month for refuse collection, except those that qualify for the small business discount plan:

Container Size	1	2	3	4	5
1 Yd.	\$ 42.75	\$ 79.02	\$115.30	\$151.57	\$187.84
1.5 Yd.	49.28	91.57	133.82	176.09	218.35



2 Yd.	62.95	116.06	169.18	222.31	274.40
3 Yd.	77.85	145.39	212.93	280.46	348.00
4 Yd.	92.78	174.72	256.66	338.62	420.58
6 Yd.	129.64	245.29	360.94	476.59	592.24
8 Yd.	172.87	327.07	481.27	635.47	789.67

Any small business not having a dumpster and not generating more than six standard garbage bags per week of garbage shall be entitled to a small business rate of \$32.80 per month. All small businesses shall be required to sign a certificate qualifying them for such rates. When a small business signs up for the small business rate, the same shall not go into force and effect until the next month. At sites where there are both commercial and residential accounts, the commercial charge has priority and will be the only charge levied. Payments to utility bills will be applied under a priority system, paying garbage first, sewer second and water last. Delinquent fees shall cause discontinuance of service under the same procedures set forth in the municipal code for water and sewer disconnection. Any person whose service has been discontinued and allows garbage to collect can be prosecuted under the city nuisance ordinances.

*C. Effective Date.* The above rates are effective as of Feb. 1, 2011.

(Am. by Ord. Nos. 847, 9/10/91; 884, 10/6/92; 968, 3/7/95; 981, 5/2/95; 1001, 11/7/95; 1005, 1/9/96; 1026, 4/2/96; 1220, 10/14/02; 1262, 4/4/05; 1281, 3/19/07, 1313, 2/1/11)

## **SECTION 6-409: CUSTOMER DEPOSIT**

A. All new customers, except customers served by the City within the past 12 months and who established satisfactory payment records for the previous service, shall be required to make a deposit with the City as follows:

<b>Meter Size</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
1.0" or less	\$ 150.00	\$ 155.00	\$ 160.00	\$ 165.00	\$ 170.00
1.5"	250.00	270.00	290.00	320.00	340.00
2.0"	490.00	540.00	590.00	640.00	680.00
3.0"	980.00	1080.00	1180.00	1270.00	1370.00
4.0"	1970.00	2160.00	2350.00	2540.00	2740.00
Deposit amount is one amount for water, sewer and/or garbage or any combination of the three.					

B. Each deposit shall be refunded when the customer has established a satisfactory payment record for a period of 12 consecutive months and has not been served with more than two disconnect notices during such period of time. When supported by facts, the mayor may determine that the deposit shall be held for a longer period to assure a satisfactory payment record.

C. The City may offset any customer's deposit at any time during which the customer's account is delinquent. Such deposit may also be used to offset any payment due on any other account of the customer, payment for damages due from the customer, or payment of a judgment obtained by the City for any reason either against the property owner or customer, if a different person.

D. The City may use any means available to it by law for collection of a customer's delinquent account in addition to use of his or her deposit.

(Neb. Rev. Stat. §17-537) (Ord. No. 917, 9/7/93) (Am. Ord. Nos. 924, 2/1/94; 1041, 1/7/97; 1251, 8/2/04; 1313, 2/1/11; 1356, 3/7/16)

## **SECTION 6-410: LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL**

A. The City Council has separately established charges to be paid to it by each person whose premises are served by the municipal garbage collection system. For purposes of such charges, a person's premises are deemed to be served by the municipal garbage collection system and the owner and occupant of the premises are deemed served and therefore liable for the charges unless the owner or occupant proves to the City Council that:

1. The premises are unoccupied; or
2. The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations and ordinances.

B. Proof of proper disposal during the applicable period may be provided by means of any of the following:

1. A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;
2. A billing receipt or register tab from a duly permitted transfer station or disposal facility or landfill for solid waste received during the applicable billing period; or
3. Such other documentation of proper disposal as may be acceptable to the City Council.

(Neb. Rev. Stat. §13-2020)

## **SECTION 6-411: WASTE DISPOSAL; RECYCLING FACILITY OR LANDFILL**

The garbage, refuse or waste material collected from any premises or residential or commercial property within the corporate limits of the City shall be deposited at the City's recycling/transfer facility or C & D Landfill, so long as such facility is maintained by the City. In the event that the mayor determines that the facility cannot handle such garbage, refuse or waste material, he or she may designate another unloading location. (Am. by Ord. No. 1281, 3/19/07)

## **Article 5 – Natural Gas**

### **SECTION 6-501: ADOPTION OF NATURAL GAS REGULATION ACT**

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

## **SECTION 6-502: GAS RATE COLLECTION FEE**

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

## **Article 6 – Penal Provision**

### **SECTION 6-601: VIOLATION; PENALTY**

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