

TITLE V: PUBLIC WORKS

Chapter

50. GENERAL PROVISIONS

51. WATER

52. SEWERS

53. ELECTRICAL DEPARTMENT

54. GARBAGE

CHAPTER 50: GENERAL PROVISIONS

Section

- 50.01 Denial of service; when prohibited
- 50.02 Utility bills; collection
- 50.03 Discontinuance of service; notice procedure
- 50.04 Diversion of services, meter tampering, unauthorized reconnection, prohibited; evidence
- 50.05 Diversion of services; civil action
- 50.06 Delinquent utility charges; lien; civil action.
- 50.07 Application for service

§ 50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

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

(Neb. RS 70-1601)

(1992 Code, § 3-107) (Ord. 571, passed 11-16-1999)

§ 50.02 UTILITY BILLS; COLLECTION.

Charges for utility services provided by or through the city shall be billed jointly on a monthly basis. The City Administrator shall read, or cause to be read, water and electric meters on or around the 8th, 15th and 23rd day of each month. Utility bills shall be mailed on the first day of each month, and shall be due upon receipt and payable by two weeks after reading. Bills not paid by the due date shall be deemed to be delinquent. Upon being deemed to be delinquent, the city may discontinue service pursuant to § 50.03. Once discontinued, service shall not be recommenced except upon payment of a reconnection fee in an amount set by resolution of the City Council. The city may also take any action authorized by law to effect collection of the delinquent charges.

(1992 Code, § 3-105)

§ 50.03 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

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

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

(Neb. RS 70-1602)

(B) No public or private utility company, including any utility owned and operated by the city, furnishing water, natural gas, or electricity at retail in this city shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility company first gives notice by first-class mail or in person to any 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 7 days after notice is sent or given. Holidays and weekends shall be excluded from the 7 days. As to any subscriber who has previously been identified as a welfare recipient to the company by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the department.
(Neb. RS 70-1605)

(C) The notice required by division (A) shall contain the following information:

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

receiving notice under this section and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only 1 postponement of disconnection shall be allowed under this division for each incidence of nonpayment of any past-due account;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

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

(11) Any additional information not inconsistent with this section which has received prior approval from the City Council or Board of Public Works, in the case of a city utility, or the board of directors or administrative board of any other utility.
(Neb. RS 70-1606)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.
(Neb. RS 70-1607)

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

(F) The procedures adopted for resolving utility bills by the City Council or Board of Public Works for any city utility, 1 copy of which is on file in the office of the City Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

(G) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. RS 70-1615)
(1992 Code, § 3-102) (Am. Ord. 541, passed 3-17-1998)

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

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

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without

the knowledge and consent of any city utility supplying such products or services, in such a manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

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

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

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

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

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

§ 50.05 DIVERSION OF SERVICES; CIVIL ACTION.

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

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

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

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

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

(3) In addition to damage or loss under division (B)(2)(a) or (B)(2)(b), the utility may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. RS 25-1801.
(Neb. RS 25-21,276)

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

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

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

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

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

(Neb. RS 25-21,278)

(1992 Code, § 3-103) Penalty, see § 10.99

§ 50.06 DELINQUENT UTILITY CHARGES; LIEN; CIVIL ACTION.

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

(Neb. RS 17-538)

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

(Neb. RS 17-925.01)

(C) If the service charge established by the City Council for the use of any city sewage disposal plant and sewerage system is not paid when due, such sum may be recovered by the city in a civil action

or it may be certified to the County Assessor and assessed against the premises served and collected or returned in the same manner as other city taxes are certified, assessed, collected, and returned.
(Neb. RS 18-503)

(D) Unless the City Council otherwise provides, on June 1 of each year, the City Clerk shall report to the Council a list of all unpaid accounts due for utilities service together with a description of the premises served. If the Council approves the report, the Clerk shall certify the report to the County Clerk to be collected as a special tax in the manner provided by law.
(1992 Code, § 3-104)

§ 50.07 APPLICATION FOR SERVICE.

Any person desiring water service, sewer service, electrical service, or other utility service shall make application to the city. Each applicant shall be required to make a service deposit in the amount or amounts as may be set by resolution of the City Council.
(Neb. RS 17-537, 17-149, and 17-902) (1992 Code, § 3-101)

CHAPTER 51: WATER

Section

General Provisions

- 51.001 Definitions
- 51.002 Pollution of waters prohibited
- 51.003 Fluoride; addition to water prohibited

Construction and Connections

- 51.015 Hook up; when required; procedure; new service; repair; sale of land; inspection; requirements; penalties
- 51.016 Application for service
- 51.017 Water contract
- 51.018 Service contract nontransferable; shutoff notice required
- 51.019 Service to nonresidents
- 51.020 Installation procedure
- 51.021 Meters
- 51.022 Installation expense
- 51.023 Repairs; meter testing
- 51.024 Meter; tampering or bypass prohibited
- 51.025 Fire hydrants
- 51.026 Unsafe connections prohibited
- 51.027 Private water wells; standards and restrictions; permits
- 51.028 Lead solder and flux prohibited
- 51.029 Contamination; prevention; encroachment limitations and setbacks
- 51.030 Right of entry

Cross-Connection and Backflow Prevention

- 51.050 Responsibility and authority
- 51.051 Definitions
- 51.052 State standards apply
- 51.053 Existing backflow prevention devices
- 51.054 Private contractors and testing
- 51.055 Surveys; violation; penalty; notice
- 51.056 Education
- 51.057 Records
- 51.058 Violations; notice
- 51.059 Violations; remedies

Water Conservation, Drought and Emergency Contingency Plan

- 51.080 Definitions
- 51.081 Water plan established
- 51.082 Findings
- 51.083 Objectives
- 51.084 Water protection programs
- 51.085 Water conservation practices
- 51.086 Drought/emergency contingency; generally
- 51.087 Stage 1: Water Watch
- 51.088 Stage 2: Water Warning
- 51.089 Stage 3: Water Emergency
- 51.090 Long-term water use efficiency
- 51.091 Plan revision, monitoring, and evaluation

Administration and Enforcement

- 51.900 Fees; collection
- 51.901 Minimum rates
- 51.902 Lien
- 51.903 Service shutoff or reduction; liability disclaimer
- 51.904 Destruction of property

Cross-reference:

Water Department; operation and funding, see § 32.040
Wellhead Protection, see Ch. 155

GENERAL PROVISIONS**§ 51.001 DEFINITIONS.**

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

CUSTOMER. The person, persons, or entity who are named on city application for service and who receive the charge or billing of the water service, or the person, persons or entity occupying the premises.

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

OWNER. The person, persons, or entity who own property where the services are connected or where services are being requested.

PREMISES. Dwelling, apartment, building, separate business, or other structure on a single lot, which is procuring water from the same service pipe or source line and having 1 or more meters in a single customers name.

SERVICE PIPE. Any pipe extending from the shutoff, stop box, or curb stop at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

SOURCE LINE. Any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shutoff, stop box, or curb stop is located.

TRANSMISSION LINE. A pipeline that transports water from its source to the water mains. Not used for tapping of service lines.
(1992 Code, § 3-202) (Am. Ord. 706, passed 2-18-2014)

§ 51.002 POLLUTION OF WATERS PROHIBITED.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the City Water Department.
(Neb. RS 17-536) (1992 Code, § 3-217) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.003 FLUORIDE; ADDITION TO WATER PROHIBITED.

Fluoride shall not be added to the water system of the city.
(Ord. 648, passed 11-19-2008; Am. Ord. 706, passed 2-18-2014)

CONSTRUCTION AND CONNECTIONS

§ 51.015 HOOK UP; WHEN REQUIRED; PROCEDURE; NEW SERVICE; REPAIR; SALE OF LAND; INSPECTION; REQUIREMENTS; PENALTIES.

(A) All persons within 300 feet of a water main shall be required, upon notice by the City Council, to hook up with the city water system.

(B) No 2 premises may use the same service pipe or source line. Each premise must have at least 1 meter and hook up with the water system at the water main.

(C) All persons who are, requesting new service, are making improvements or repairs, or when lots with water service are transferred to a new owner the service pipe and the source line must be in compliance with all of the current ordinances and the must be inspected as described in § 51.020. (Neb. RS 17-539) (1992 Code, § 3-218) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.016 APPLICATION FOR SERVICE.

Every person or persons desiring a supply of water must make application therefor to the city as required in Chapter 50. Water may not be supplied to any house, private service pipe, or source line, except upon the written order of the Water and Wastewater Superintendent. (Neb. RS 17-537 and 19-2701) (1992 Code, § 3-203) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.017 WATER CONTRACT.

The city, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The city may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the Board of Public Works may see fit to do so. The rules, regulations and water rates contained in this code or on file in the city offices 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. If the consumer shall violate any of the provisions of any reasonable rules and regulations that the City Council or the Board of Public Works may hereafter adopt, the Water and Wastewater Superintendent or his or her agent may cut off or disconnect the water service from the building or premises or place of that violation. No further connection for water service to that building, premises, or place shall again be made save or except by order of the Superintendent or his or her agent. (1992 Code, § 3-204) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.018 SERVICE CONTRACT NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Water service is not transferable. Any person wishing to change from one location to another shall make a new application. If any consumer shall move from the premises where service is furnished, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Water and

Wastewater Superintendent who shall cause the water service to be shut off at the premises. If the consumer should fail to give this notice, he or she shall be charged for all water used on the premises until the Water and Wastewater Superintendent is otherwise advised of such circumstances. (Neb. RS 17-537) (1992 Code, § 3-219) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.019 SERVICE TO NONRESIDENTS.

The Department shall not supply water service to any person outside the corporate limits without permission from the Board of Public Works; provided, the property is within the city's zoning jurisdiction and properly zoned pursuant to one of the city's zoning districts, ready and convenient access to the metering and regulating equipment so that it may easily be examined and read by authorized agents of the city is provided, access to the property is accessible by a driveway approach or graded road, and the entire cost of laying mains, service pipe, source line, and other expenses shall be paid by the consumer. If access to the property is served by a public right-of-way, customer shall upgrade the existing right-of-way to conform to the adjacent public rights-of-way. Nothing herein shall be construed to obligate the city to provide water service to nonresidents. (Neb. RS 19-2701) (1992 Code, § 3-205) (Am. Ord. 706, passed 2-18-2014)

§ 51.020 INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. All installations or repairs of pipes require 2 inspections by the Water and Wastewater Superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Water and Wastewater Superintendent; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works. (Neb. RS 17-537) (1992 Code, § 3-206) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.021 METERS.

All premises regulated under § 51.015 must be equipped with a working city approved water meter. The water meter shall be furnished by the city upon payment that includes the costs of the meter. All

meters shall be installed under the direction of the Water and Wastewater Superintendent and are subject to his or her approval. All meters shall be installed in a city approved meter barrel beyond the lot line.

(1992 Code, § 3-207) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.022 INSTALLATION EXPENSE.

The customer shall pay the cost of tapping the main, installing the stop box at the lot line of the customer, and the cost of installing the meter. No person other than the Water and Wastewater Superintendent or someone duly authorized by him or her shall tap the water main. The customer shall pay a tap fee in such sum as the Water and Wastewater Superintendent shall require in each case; provided, that a tap for a 3/4-inch pipe shall be deemed to be the minimum or base tap fee. Excluding the above costs of tapping the main, installing the meter, and installing the stop box, the customer shall at his or her own expense bring water service from the main up to and upon his or her own premises. Nonresidents shall pay tap fees and installation charges in such sums as the Water and Wastewater Superintendent, pursuant to resolution of the Board of Public Works, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

(Neb. RS 17-542) (1992 Code, § 3-208) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.023 REPAIRS; METER TESTING.

Repairs to the service pipe and source line shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, including the meter, shall be made by the city. All water meters shall be kept in repair by the city at the expense of the city. When meters are worn out, they shall be replaced by the city at the expense of the city; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness or neglect so that the meter must be repaired or replaced, the Water and Wastewater Superintendent shall bill and collect from the customer the cost of that meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running 2% or more fast, the expense of the test shall be borne by the city. The city reserves the right to test any water service meter at any time, and if a meter is found to be beyond repair the city shall always have the right to place a new meter on the customer's water service fixtures at city expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the quarterly consumption during the same quarter of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Water and Wastewater Superintendent.

(Neb. RS 17-542) (1992 Code, § 3-209) (Am. Ord. 706, passed 2-18-2014)

§ 51.024 METER; TAMPERING OR BYPASS PROHIBITED.

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

(Neb. RS 17-537) (1992 Code, § 3-214) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.025 FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the City Fire Department acting under the orders of the Fire Chief, or the Assistant Fire Chief at the time of a fire emergency; or members of the Water Department, or others with permission of the Water and Wastewater Superintendent, 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.

(1992 Code, § 3-216) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.026 UNSAFE CONNECTIONS PROHIBITED.

(A) No customer or other person shall cause, allow, or create any physical connection between the city water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplied, or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the city water distribution system.

(B) At least 1 time every 5 years, customers of the city water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the city on a form supplied by the city to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Water and Wastewater Superintendent.

(1992 Code, § 3-221) (Am. Ord. 448, passed 11-17-1992; Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.027 PRIVATE WATER WELLS; STANDARDS AND RESTRICTIONS; PERMITS.

All private wells shall comply with standards promulgated by the State Department of Health. After the effective date of this section, no person shall install a private water well in the city or within 300 feet of a city water main without first obtaining a permit from the city. The fee for this permit shall be \$50. No permit shall be issued unless the applicant demonstrates that the proposed private water well is for irrigation purposes only, and the irrigated area is 2 acres in size or greater and is owned by the applicant.

No private water well shall be attached to any private water system or to the city water system. Upon completion of an approved water well, the applicant shall notify the City Water Department for an inspection and shall not be used until that inspection is completed, which shall be not more than 10 days after notice of completion is given. If the completed well does not comply with existing standards at the time of completion, it shall not be used until compliance is obtained and inspected by the City Water Department.

(1992 Code, § 3-223) (Ord. 608, passed 6-4-2002; Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.028 LEAD SOLDER AND FLUX PROHIBITED.

(A) Any solder or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

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

LEAD FREE. Solder and flux containing not more than 0.2% lead.

(Neb. RS 71-5301 and 71-5301.01) (1992 Code, § 3-222) (Am. Ord. 706, passed 2-18-2014)
Penalty, see § 10.99

§ 51.029 CONTAMINATION; PREVENTION; ENCROACHMENT LIMITATIONS AND SETBACKS.

(A) The intent of this section is to establish control by the city over the location of future potential sources of contamination within the proximity of the city's drinking water system, so as to prevent or minimize any hazard to the safety of the city's drinking water.

(B) Every well, infiltration line or spring serving or intended to provide water for a public water supply system insofar as possible, should be located, constructed or modified in such a manner that neither underground nor surface contamination by any biological, chemical or radioactive substance or by the physical property of any substance from any cesspool, privy, septic tank, subsurface tile system, drain, pit below ground surface, abandoned well, animal or avian wastes, or any other possible source of pollution can adversely affect such water supply. The minimum recommended horizontal distance in feet separating the well or spring from potential sources of contamination.

(C) The minimum recommended horizontal distance in feet separating wells and springs from potential contamination:

Nonpotable water well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for waste	500 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or feedlot runoff	500 feet
Corral	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Chemical or petroleum product storage	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line (permanently water tight)	100 feet
Sanitary sewer line	50 feet

(D) When surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and the well or spring should be greater than that listed above. (Ord. 673, passed 7-6-2011; Am. Ord. 706, passed 2-18-2014)

§ 51.030 RIGHT OF ENTRY.

The Water and Wastewater Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within that easement. All entry and subsequent work, if any, on that easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1992 Code, §3-343) (Ord. 706, passed 2-18-2014) Penalty, see §10.99

CROSS-CONNECTION AND BACKFLOW PREVENTION**§ 51.050 RESPONSIBILITY AND AUTHORITY.**

(A) *Responsibility of the Water Superintendent.* The Water Superintendent shall be responsible for the protection of the public water distribution system from contamination or pollution due to backflow, backsiphonage, and cross-connections through any water service connections. If, in the judgment of the Water Superintendent, an approved backflow device is required at the city's water service connection to any customer's premises, the Water Superintendent, shall give notice in writing to the customer to properly install an approved backflow prevention device at each service connection to his/her premises. The customer shall within 90 days, properly install such approved device or devices at his or her expense. Failure, refusal, or inability to properly install such device or devices by the said customer will result in being a direct violation for non-compliance.

(B) *Administration.* The city will operate a cross-connection control program, to include the keeping of the necessary records, which fulfills the requirements of the Nebraska Health and Human Services Regulation and Licensure, hazards set forth in, "Regulations in Governing Public Water Systems", Chapter 179 NAC 2.

(C) *Inspection.* The Water Superintendent or a designated operator assigned by the Water Superintendent shall be permitted to enter on to the premises of any customer and be allowed to inspect the plumbing. An inspection will be carried out for any reason that may have a cause of concern regarding a possible threat that could cause contaminated substances to cross-connect with the city's potable water supply. If entry is denied, the Water Superintendent or his or her designee may disconnect the water service to the premises immediately or at such time as determined by the Water Superintendent.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.051 DEFINITIONS.

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

ACTUAL CROSS-CONNECTION. A current threat to the water supply due to a direct cross-connection.

BACKFLOW. The flow of water or other liquids, mixtures, or substances into the distribution source of a potable water supply from any source other than that of its intended source.

BACKFLOW PREVENTER. A device or means to prevent the reversal of the flow of water into a potable water supply.

BACKSIPHONAGE. The reversal of the intended flow of water due to the result of negative pressure in the distributing source of the potable water supply.

CONTAMINATION. The impairment of a potable water supply by the introduction of any foreign substances that degrade the water, and creates a health hazard.

CROSS-CONNECTION. Any physical connection between a potable water supply and any other source that may cause contaminants to enter and pollute the potable water supply.

CROSS-CONNECTION CONTROL. The enforcement of an ordinance or other instrument regarding cross-connections and the elimination thereof.

COMMUNITY WATER DISTRIBUTION SYSTEM. A system that supplies potable water to at least 15 people year round through a series of pipes and service connections to customers throughout the system. Also referred to as **WATER SYSTEM** or **SYSTEM**.

HEALTH HAZARD. Any conditions, devices, or practices in the water supply system and its operation in which may create a danger to health and well-being of the water consumer.

NON-POTABLE WATER. Water that is not suitable for human consumption.

PLUMBING. To include but not limited to; the water supply, distribution pipes, plumbing fixtures, traps, and vent pipes; building drains and building sewers; water treating and water using equipment.

POLLUTION. The presence of any foreign substance in water tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER. Water that is suitable for human consumption.

POTENTIAL CROSS-CONNECTION. A possible threat, or high hazard that exist to the water system due to the ability to cross-connect.

SERVICE CONNECTION. A service pipe or source line that supplies the customer from the main distribution system.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.052 STATE STANDARDS APPLY.

The Water Department shall follow the standards set by the Nebraska Health and Human Services License and Regulations regarding the operation of an effective cross-connection control program. These

standards shall include the types of approved backflow prevention devices, proper installation testing, maintenance, and when and where such backflow prevention devices will be needed due to the degree of hazard.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.053 EXISTING BACKFLOW PREVENTION DEVICES.

Any existing in use backflow prevention devices shall be allowed, by the Water Superintendent, to continue in service. Unless the degree of hazard exceeds the effectiveness, the requirements allowed towards the intended use, or result in an unreasonable risk toward public health. All existing backflow prevention devices, the proper installation thereof, will be required under the circumstances set by the Nebraska Health and Human Services and the city.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.054 PRIVATE CONTRACTORS AND TESTING.

The Water Department will have on file a list of Certified Grade 6 Backflow Technicians who will be capable of testing backflow devices. The customer will be responsible for the annual testing of preventers that require testing, the payment of the technicians for the testing, and maintenance of the backflow devices as needed. The private Grade 6 Backflow Technician shall file a report with the city not more than 30 calendar days after the testing of every testable backflow device. If no copy of the test report is filed to the city by the Grade 6 technicians within the time period allowed, the customer shall be contacted to supply the city with a current test report. If no action is taken by the customer to file a report to the Water Department the customer will be in violation of this subchapter.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.055 SURVEYS; VIOLATION; PENALTY; NOTICE.

(A) The city will send out survey forms to each customer/owner of a service connection at least once every 5 years. The survey forms will ask the customers to assess and report any actual or potential cross-connections hazards that may exist on the premises. If the first survey form is not received within a reasonable time frame a second survey form will be sent out. If after a second survey form has not been filled out, completed, and returned back to the city within 30 calendar days after the second survey being sent out, the owner will be in violation of this ordinance and subject to inspection of the premises.

(B) The penalty for this section shall be, after notice in writing to the customer, the Water Superintendent, or designated operator appointed by the Water Superintendent, shall serve an inspection on any premise where the customer is in violation of this section at the customers expense.

(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.056 EDUCATION.

The Water Department will provide an on-going educational information program regarding the Cross-Connection Control Program. This shall be done at least once a year to help better the knowledge of the customer to the importance of the Cross-Connection Program. There will also be information available to the customer upon request to the Water Department.
(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.057 RECORDS.

The Water Department shall initiate and maintain all records and will have all records made available for inspection from the hours of 7:30 a.m. to 4:30 p.m. (excluding holidays) Monday through Friday. Records that shall be kept on file shall include; completed survey forms, educational and other information sent out or posted for the public water supply customers, all available certified Grade 6 Water Operators, test forms from all testable backflow prevention devices received from certified Grade 6 Water Operators, all existing and installations of backflow prevention devices, any and all violations with corrections and any actions taken to resolve the violation, and the dates of all records that are filed of the information sent out and received.
(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.058 VIOLATIONS ; NOTICE.

The Water Superintendent shall notify the owner and/or the customer of the premises in which a violation of this subchapter has been found. The Water Superintendent shall set a reasonable time frame, depending on the degree of hazard in which the owner or customer must have the violation removed or corrected. Upon failure of the owner or customer to correct the violation, the Water Superintendent may cause the water service to be terminated to any such building or premises.
(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

§ 51.059 VIOLATIONS; REMEDIES.

Any person found violating any provision of this subchapter shall be subject to the discontinuation of the water service. In addition the city may obtain injunctive relief and sue for damages and redemption, and pursue any other remedy available to it under the laws of the state or other authority having jurisdiction over such matters.
(Ord. 623, passed 5-17-2005; Am. Ord. 706, passed 2-18-2014)

WATER CONSERVATION, DROUGHT AND EMERGENCY CONTINGENCY PLAN**§ 51.080 DEFINITIONS.**

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

CONSUMER. The customer of record using water for any purpose from the city distribution system and for which a regular charge is made.

DRAW DOWN. The distance between the static water level and the pumping level.

PLAN. The plan refers to the Water Conservation, Drought and Emergency Contingencies Plan.

PUMPING WATER LEVEL. The level of water in a well when the pump is pumping.

STATIC WATER LEVEL. The level of water in a well when the pump is not pumping.

TRIGGERS. Significant events which indicate the implementation of the different stages of the Plan.

WASTE OF WATER. Waste of water includes but not limited to permitting water to escape down a gutter, ditch, or other surface drain; failure to repair a controllable leak of water due to defective plumbing; or as determined by the water system operator with concurrence of the City Administrator.

WATER. Water available to the city by virtue of its water rights introduced by the city into its water distribution system.

WATER OPERATOR. The person who is licensed by the State Department of Health and Human Services to operate the city water system.

WATER SYSTEM CAPACITY. Determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The water system operator shall determine the water system capacity on a monthly basis.

WATER SYSTEM DEMAND. Water well readings are accomplished daily by reading in person Monday through Friday (holidays not included and weather permitting), readings are also taken daily electronically. Water consumption is determined by dividing the daily consumption by the current population number and then expressed in gallons per capita per day (gpcd).
(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.081 WATER PLAN ESTABLISHED.

In order to assure the continued supply of safe drinking water to the citizens of the city, the Board of Public Works and the City Council adopts the following plan addressing conservation, drought and emergency contingencies. The plan is based upon demand on the system and implements a series of stages depending upon the severity of the demand.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.082 FINDINGS.

(A) The city has undertaken a number of steps to ensure a dependable water supply for our citizens. The water supply for the city is obtained from 3 wells north of the city, at this time only 1 well is used year around, and the other 2 are used as seasonal wells. When all 3 wells are pumping the water pumps directly into the distribution system when the distribution system is full, water is then pumped into the city's 1,000,000 gallon storage tank, which was built in 1955.

(B) The city water supply and distribution system has the capacity to meet current customer demands and future projected demands even in times of drought. The city believes that our Water Conservation Plan represents an additional step so our customers have a dependable water supply in the future.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.083 OBJECTIVES.

The primary objectives of the Water Conservation Plan for the city are to develop long-term water conservation plans and short-term water emergency plans to assure city customers of adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansions and thus limiting or postponing the resulting cost increases, in addition to conserving the water resource of the state.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.084 WATER PROTECTION PROGRAMS.

The city has put several programs in place in the past several years in an effort to protect the city's drinking water both short- and long-term. One of the programs put into place by the city is a Well Head Protection Plan which was accepted by the Nebraska Department of Environmental Quality on June 8, 2011, this plan began in 1995 and is a program that delineates a Well Head Protection area that the city's well water travels from within with the city attempting to protect this delineated area. Another program that has been adopted by Ordinance 623 on May 17, 2005 is an Anti-Backflow Program that is intended

to protect the city's drinking water by surveying city water customers at least once every 5 years and then assessing surveys and requiring customers (as needed) to take the appropriate steps necessary for protection of public health and safety by installation of an anti-backflow device.
(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.085 WATER CONSERVATION PRACTICES.

This section of the plan summarizes the current education, management and regulation efforts that relate to the long-term conservation of water by the city. Specific practices will be undertaken to conserve water.

(A) *Education.* The city will supply local media with water conservation tips throughout the year and during drought periods. Also, the government television channel 13 (for Charter customers) along with the city web page (www.kimballne.org) will be used to supply customers with water conservation tips and updates on water schedules as needed (such as even/odd lawn watering system can be imposed on city water customers).

(B) *Management.*

(1) The city has meters installed at every connection to the system. Customer meters are monitored for accuracy and possible repair or replacement upon receiving a citizen request or notification from city staff of an anomaly.

(2) Meters are read once a month (weather permitting) to help assure proper accountability for the amount of water used.

(3) The city has an independent contractor perform well efficiency tests every year with repairs done as needed.

(4) The water rate structure for the city was passed on October 11, 2011. Water rates are available at the city office at 223 South Chestnut Street and are reviewed annually and adjusted as needed per the Department.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.086 DROUGHT/EMERGENCY CONTINGENCY; GENERALLY.

The city addresses its short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more

restrictive in water use than the previous stage as water level conditions deteriorate. The city will be authorized by ordinance to declare a water emergency once this plan and ordinance are in place and whenever the following occur.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.087 STAGE 1: WATER WATCH.

(A) *Triggers.* This stage is triggered by any of the following conditions:

- (1) The city storage has fallen below 70% capacity (300,000 gallons).
- (2) Ground water levels have fallen an average of 5 feet below a rolling 5-year average.
- (3) Demand for one day is in excess of 1,250,000 gallons per day.

(B) *Goals.* The goals of this stage are to heighten awareness of the public on water conditions, maintain the integrity of the water supply system and use the ordinances in place if necessary.

(C) *Management actions.*

- (1) The city will monitor and maintain its wells to assure an efficient condition exists.
- (2) System pressure will be maintained throughout the entire system.

(D) *Regulation actions.* The public will be asked to voluntarily curtail some outdoor water use if necessary.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.088 STAGE 2: WATER WARNING.

(A) *Triggers.* This stage is triggered by any of the following conditions:

- (1) The city storage has fallen below 50% capacity (500,000 gallons).
- (2) Ground water levels have fallen an average of 10 feet from a rolling 5-year average.
- (3) Demand for one day is in excess of 1,250,000 gallons.

(B) *Goals.* The goals of this stage are to reduce peak demands and to reduce overall weekly consumption.

(C) *Education actions.* The city will release to the local media, also channel 13 (government channel for Charter customers) and the city web page (www.kimballne.org) present conditions and what actions to take, if applicable. Water conservation articles will be released to local media.

(D) *Management actions.*

(1) The city water supplies will be monitored weekly.

(2) Pumping at affected wells will be reduced to decrease draw-down and maintain current levels.

(3) The city will curtail its own use of water including sprinklers, hose reels, hydrant flushing, and the like.

(E) *Regulation actions.*

(1) An odd/even outside watering system can be imposed on all city residents.

(2) Residents will be asked to voluntarily curb daytime watering during windy days to avoid evaporation.

(3) Waste of water will be prohibited.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.089 STAGE 3: WATER EMERGENCY.

(A) *Triggers.* This stage is triggered by any one of the following conditions:

(1) The city storage has fallen below 50% capacity (500,000 gallons).

(2) Groundwater levels have fallen an average of 15 feet from a rolling 5-year average.

(3) Demand for one day is in excess of 1,500,000 gallons.

(B) *Goals.* The goals of this stage are to reduce peak demands by 75% and to reduce overall weekly consumption by 50%.

(C) *Education actions.*

(1) The city will make press releases to the local media, the government TV channel (channel 13 for Charter customers) and the city web page (www.kimballne.org) describing present conditions and what action is being taken.

- (2) Water conservation tips provided to local media.

(D) *Management actions.*

- (1) The city water supplies will be monitored daily.
- (2) System pressure will be maintained throughout the system.
- (3) Pumping will be reduced at the affected wells to maintain current levels.
- (4) The city will seek help from the state and federal governments if needed.

(E) *Regulation actions.*

(1) Outdoor watering (including no car washing) will be 1 day per week between set hours, or no watering at all.

- (2) Waste of water prohibited.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.090 LONG-TERM WATER USE EFFICIENCY.

(A) The city used approximately 216 gallons per person per day in 2010. This figure included:

- (1) Water sold to residential customers.
- (2) Water distributed for governmental use (parks, swimming pool, street sweeper, sewer jet, water truck, and the like).
- (3) Water lost by leaks in the distribution system.
- (4) Water sold to commercial and industrial customers.

(B) The city desires to set a water use conservation goal not to exceed 300 gallons per person per day based on projecting current usage. The city anticipates not exceeding this goal by implementing the specific actions outlined in this plan.

(Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

§ 51.091 PLAN REVISION, MONITORING AND EVALUATION.

(A) The city will establish a monthly management practice of reviewing monthly totals for production, residential/commercial sales, and unaccounted for water (AWWA standard for average water loss of 10%- 15%). Problems noted during the monthly review will be solved as soon as possible.

(B) The Water Conservation Plan will be reviewed during the month of April each year and on a more frequent basis during drought or other water shortage problems. If water conservation goals for the previous year are not met, the city will review the data collected from the previous year in relationship to the status and effectiveness of the conservation practices that are outlined in our plan and will provide status reports which will also include any additional water conservation practices that may need to be taken in order for the city to achieve and maintain its water use conservation goals. (Ord. 680, passed 3-21-2012; Am. Ord. 706, passed 2-18-2014)

ADMINISTRATION AND ENFORCEMENT**§ 51.900 FEES; COLLECTION.**

(A) The Board of Public Works 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.

(B) The City Clerk shall bill the consumers and collect all money received by the city on the account of the Water Department. (Neb. RS 17-540) (1992 Code, § 3-210) (Am. Ord. 706, passed 2-18-2014)

§ 51.901 MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Water and Wastewater Superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again. (Neb. RS 17-542) (1992 Code, § 3-211) (Am. Ord. 706, passed 2-18-2014)

§ 51.902 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for water service furnished, the amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The City Clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the Water and Wastewater Superintendent on the first day of June of each year to report to the City Council a list of all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the City Council, shall be certified by the City Clerk to the County Clerk to be collected as a special tax in the manner provided by law.
(Neb. RS 17-531 through 17-546) (1992 Code, § 3-213) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

§ 51.903 SERVICE SHUTOFF OR REDUCTION; LIABILITY DISCLAIMER.

The Board of Public Works or the Water and Wastewater Superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The city shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the city has no control.
(Neb. RS 17-537) (1992 Code, § 3-215) (Am. Ord. 706, passed 2-18-2014)

§ 51.904 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 City 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 and Wastewater Superintendent.
(1992 Code, § 3-220) (Am. Ord. 706, passed 2-18-2014) Penalty, see § 10.99

CHAPTER 52: SEWERS

Section

General Provisions

52.001 Definitions

Construction and Connections; Building Sewers

- 52.015 Application for connection permit
- 52.016 Sewer service; contract
- 52.017 Contract nontransferable; shutoff notice required
- 52.018 Building sewer installation; permit required
- 52.019 Building sewer permit classification; application
- 52.020 Building sewer installation expense; liability
- 52.021 Installation and application expense; tap fee
- 52.022 Repairs and replacement
- 52.023 Separate building sewer
- 52.024 Old building sewers
- 52.025 Building sewers; requirements and specifications
- 52.026 Clear water drainage; connection to sanitary sewer prohibited
- 52.027 Building sewer inspection
- 52.028 Building sewer; excavations
- 52.029 Construction and repair; inspection procedures

Use of Public Sewers

- 52.040 Unlawful deposit of wastes
- 52.041 Untreated sewage; discharge to natural outlet prohibited
- 52.042 Prohibited discharges; clear water discharge to sanitary sewer
- 52.043 Prohibited hazardous discharges; preliminary treatment
- 52.044 Prohibited discharges as determined by Superintendent
- 52.045 Right to reject discharge, require pretreatment, or add surcharge
- 52.046 Grease, oil, and sand interceptors
- 52.047 Preliminary treatment facilities; maintenance
- 52.048 Control manholes; requirement; installation and maintenance
- 52.049 Measurement, tests, and analyses; methods

Private Sewage Disposal System

- 52.060 Privies, septic tanks, and the like restricted
- 52.061 Available public sewer; connection required
- 52.062 Permit required
- 52.063 Inspection
- 52.064 Specifications
- 52.065 Maintenance
- 52.066 Additional requirements

Rates and Charges

- 52.080 Surcharges
- 52.081 Fees; collection
- 52.082 User charge review
- 52.083 Sewer maintenance fund
- 52.084 User classification
- 52.085 Bills; collection

Administration and Enforcement

- 52.100 Property destruction prohibited
- 52.101 Special agreements
- 52.102 Right of entry
- 52.103 Violations; notice to correct; liability for damages
- 52.104 Enforcement authority

Cross-reference:

Sewer Department; operation and funding, see § 32.041

GENERAL PROVISIONS**§ 52.001 DEFINITIONS.**

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

BOD or ***BIOCHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet (1.5 meters) outside the inner face of the building wall.

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

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

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

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

MAY. The act referred to is permissive.

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

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

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

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the low conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 cm) in any dimension.

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

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

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

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

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

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

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

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

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.
(1992 Code, § 3-302)

CONSTRUCTION AND CONNECTIONS; BUILDING SEWERS

§ 52.015 APPLICATION FOR CONNECTION PERMIT.

Any person wishing to connect with the sewer system shall make an application therefor to the city as required in this chapter. Sewer service may not be supplied to any house or building except upon the written order of the Water and Wastewater Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Board of Public Works; provided, that the entire cost of pipe and other installation charges shall be paid by those consumers. Nothing herein shall be construed to obligate the city to provide sewer service to nonresidents.

(Neb. RS 17-149 and 18-503) (1992 Code, § 3-303)

§ 52.016 SEWER SERVICE; CONTRACT.

The city through the City Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The city may also furnish sewer service to persons whose premises are situated outside the corporate limits of the city, as and when, according to law, the City Council may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this chapter shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. If the customer shall violate any reasonable rules and regulations that the Board of Public Works may hereafter adopt, the Water and Wastewater Superintendent, or his or her agent, may cut off or disconnect the sewer service from the building or premises of the violation. No further connection for sewer service to that building or those premises shall again be made save or except by order of the Superintendent or his or her agent.

(Neb. RS 17-901, 17-902, and 18-503) (1992 Code, § 3-304) Penalty, see § 10.99

§ 52.017 CONTRACT NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Water and Wastewater Superintendent, who shall cause the sewer service to be shut off from the premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of the circumstances. (Neb. RS 17-901, 17-902, and 18-503) (1992 Code, § 3-305) Penalty, see § 10.99

§ 52.018 BUILDING SEWER INSTALLATION; PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
(1992 Code, § 3-321) Penalty, see § 10.99

§ 52.019 BUILDING SEWER PERMIT CLASSIFICATION; APPLICATION.

(A) There shall be 2 classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.
(1992 Code, § 3-322)

§ 52.020 BUILDING SEWER INSTALLATION EXPENSE; LIABILITY.

All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(1992 Code, § 3-323)

§ 52.021 INSTALLATION AND APPLICATION EXPENSE; TAP FEE.

The customer, upon approval of his or her application for sewer service, shall pay to the Water and Wastewater Superintendent a tap fee which is on file in the City Clerk's office and which compensates the city for the expense of processing his or her application and tapping the sewer main. The customer shall pay all costs of installation.

(1992 Code, § 3-324)

§ 52.022 REPAIRS AND REPLACEMENT.

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

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

(Neb. RS 18-1748) (1992 Code, § 3-325) Penalty, see § 10.99

§ 52.023 SEPARATE BUILDING SEWER.

A separate and independent building sewer shall be provided for every building; except where 1 building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as 1 building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(1992 Code, § 3-326) Penalty, see § 10.99

§ 52.024 OLD BUILDING SEWERS.

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

(1992 Code, § 3-327) Penalty, see § 10.99

§ 52.025 BUILDING SEWERS; REQUIREMENTS AND SPECIFICATIONS.

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

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

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

(1992 Code, § 3-328) Penalty, see § 10.99

§ 52.026 CLEAR WATER DRAINAGE; CONNECTION TO SANITARY SEWER PROHIBITED.

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

(1992 Code, § 3-329) Penalty, see § 10.99

§ 52.027 BUILDING SEWER INSPECTION.

The applicant for the building sewer permit shall notify the Water and Wastewater Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(1992 Code, § 3-330) Penalty, see § 10.99

§ 52.028 BUILDING SEWER; EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property

disturbed in the course of the work shall be restored in a manner satisfactory to the city. No excavation shall be open for an unreasonable amount of time.

(1992 Code, § 3-331) Penalty, see § 10.99

§ 52.029 CONSTRUCTION AND REPAIR; INSPECTION PROCEDURES.

All installations or repairs of pipes require 2 inspections by the Water and Wastewater Superintendent. The first inspection shall be made when connections or repairs are complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the Water and Wastewater Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Water and Wastewater Superintendent; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works.

(1992 Code, § 3-332) Penalty, see § 10.99

USE OF PUBLIC SEWERS

§ 52.040 UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(1992 Code, § 3-312) Penalty, see § 10.99

§ 52.041 UNTREATED SEWAGE; DISCHARGE TO NATURAL OUTLET PROHIBITED.

It shall be unlawful to discharge to any natural outlet within the city, or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.

(1992 Code, § 3-313) Penalty, see § 10.99

§ 52.042 PROHIBITED DISCHARGES; CLEAR WATER DISCHARGE TO SANITARY SEWER.

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

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Water and Wastewater Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for those costs. The costs shall be determined by the Superintendent with the approval of the City Council.

(1992 Code, § 3-333) Penalty, see § 10.99

§ 52.043 PROHIBITED HAZARDOUS DISCHARGES; PRELIMINARY TREATMENT.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

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

(5) Any waters or wastes:

(a) Having a 5-day BOD greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids;

(c) Having an average daily flow greater than 2% of the average sewage flow of the city;
or

(d) Having a chlorine requirement greater than demanded by normal sewage as evaluated by the city's consulting engineer shall be subject to the review of the Water and Wastewater Superintendent.

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

- (1) Reduce the biochemical oxygen demand to 300 parts per million by weight;
- (2) Reduce the suspended solids to 350 parts per million by weight;
- (3) Control the quantities and rates of discharge of such waters or wastes; or
- (4) Reduce the chlorine requirement to conform with normal sewage.

(C) Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of this type of facilities shall be commenced until the approvals are obtained in writing.
(1992 Code, § 3-334) Penalty, see § 10.99

§ 52.044 PROHIBITED DISCHARGES AS DETERMINED BY SUPERINTENDENT.

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

(B) The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150F (65C);
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32F and 150F (0C and 65C);

- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
- (5) Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for those materials;
- (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
- (8) Any waters or wastes having a pH in excess of 9.5;
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as, but not limited to, sodium chloride or sodium sulfate);
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) 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 a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
(1992 Code, § 3-335) Penalty, see § 10.99

§ 52.045 RIGHT TO REJECT DISCHARGE, REQUIRE PRETREATMENT, OR ADD SURCHARGE.

(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 § 52.044, and which in the judgment of the Water and Wastewater Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Water and Wastewater Superintendent 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

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.101.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws. (1992 Code, § 3-336) Penalty, see § 10.99

§ 52.046 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Water and Wastewater Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that these interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms. (1992 Code, § 3-337) Penalty, see § 10.99

§ 52.047 PRELIMINARY TREATMENT FACILITIES; MAINTENANCE.

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. (1992 Code, § 3-338) Penalty, see § 10.99

§ 52.048 CONTROL MANHOLES; REQUIREMENT; INSTALLATION AND MAINTENANCE.

When required by the Water and Wastewater Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(1992 Code, § 3-339) Penalty, see § 10.99

§ 52.049 MEASUREMENT, TESTS, AND ANALYSES; METHODS.

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

(1992 Code, § 3-340) Penalty, see § 10.99

PRIVATE SEWAGE DISPOSAL SYSTEM**§ 52.060 PRIVIES, SEPTIC TANKS, AND THE LIKE RESTRICTED.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(1992 Code, § 3-314) Penalty, see § 10.99

§ 52.061 AVAILABLE PUBLIC SEWER; CONNECTION REQUIRED.

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

(B) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(1992 Code, § 3-315) Penalty, see § 10.99

§ 52.062 PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Water and Wastewater Superintendent. The application for this permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Water and Wastewater Superintendent.

(1992 Code, § 3-316) Penalty, see § 10.99

§ 52.063 INSPECTION.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Water and Wastewater Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 40 hours of the receipt of notice by the Superintendent.

(1992 Code, § 3-317)

§ 52.064 SPECIFICATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 80,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(1992 Code, § 3-318) Penalty, see § 10.99

§ 52.065 MAINTENANCE.

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

(1992 Code, § 3-319) Penalty, see § 10.99

§ 52.066 ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.
(1992 Code, § 3-320) Penalty, see § 10.99

RATES AND CHARGES**§ 52.080 SURCHARGES.**

The ordinance on file with the City Clerk shall provide for the following surcharges:

(A) A high strength waste surcharge established for pollutant levels (BOD, SS, and the like) which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant (see Appendix B of 40 C.F.R. pt. 35.900); and

(B) The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from that discharge.
(1992 Code, § 3-306)

§ 52.081 FEES; COLLECTION.

The Board of Public Works has the power and authority to fix the rates to be paid by the customers of the Sewer Department. All such fees shall be on file for public inspection at the office of the City Clerk. The City Clerk shall have the duty of collecting the rental fees of the customers of the Sewer Department monthly. If a customer shall for any reason order the service discontinued or shall vacate the premises, the amount due under the terms of this chapter, together with any rental fees and charges in arrears, shall be considered as a delinquent sewer rental, which is hereby declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied, and upon the refusal of the customer to pay that delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection. Charges shall be delinquent after the due date. Upon being deemed delinquent, the Water and Wastewater Superintendent shall proceed to give notice to the delinquent customer and demand payment immediately. Those customers who fall to pay their bills after receiving this demand shall be subject to the discontinuance of service provisions of this chapter.
(1992 Code, § 3-307) Penalty, see § 10.99

§ 52.082 USER CHARGE REVIEW.

The Board of Public Works shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

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

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

(C) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.
(1992 Code, § 3-308)

§ 52.083 SEWER MAINTENANCE FUND.

(A) The operation, maintenance, and replacement (OM&R) portion of the total sewer user charges shall be deposited in a non-lapsing Sewer Maintenance Fund, or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R.

(B) The Sewer Maintenance Fund will have a minimum of 2 primary accounts:

(1) An O&M account with provision for carryover of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year; and

(2) A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the replacement needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining the fund on a perpetual basis, the city shall budget a sum of money not less than 20% of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal year-end balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.
(1992 Code, § 3-309)

§ 52.084 USER CLASSIFICATION.

The Board of Public Works may classify for the purpose of rental fees the customers of the City Sewer Department; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency, relative to the user charge grant condition.
(Neb. RS 17-925.02) (1992 Code, § 3-310)

§ 52.085 BILLS; COLLECTION.

Sewer rental bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the City Water Department shall also be applicable to delinquent accounts with the City Sewer Department. (1992 Code, § 3-311) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT**§ 52.100 PROPERTY DESTRUCTION PROHIBITED.**

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (1992 Code, § 3-341) Penalty, see § 10.99

§ 52.101 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern. (1992 Code, § 3-342)

§ 52.102 RIGHT OF ENTRY.

The Water and Wastewater Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within that easement. All entry and subsequent work, if any, on that easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1992 Code, § 3-343) Penalty, see § 10.99

§ 52.103 VIOLATIONS; NOTICE TO CORRECT; LIABILITY FOR DAMAGES.

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

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of that violation.
(1992 Code, § 3-344) Penalty, see § 10.99

§ 52.104 ENFORCEMENT AUTHORITY.

The city has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside the city limits.
(1992 Code, § 3-345)

CHAPTER 53: ELECTRICAL DEPARTMENT

Section

General Provisions

53.01 Definitions

Construction and Connections

53.02 Contracts and terms
53.03 Application and permits
53.04 Continuity of service
53.05 Nontransferable; shut-off notice required
53.06 Wiring and connection; licensed electrician
53.07 Wiring restrictions and requirements
53.08 Installation expense
53.09 Consumer installation
53.10 Service and installation
53.11 Inspection
53.12 Meters

Protection of Department Property

53.20 Building moving; disturbing wires; procedures
53.21 Posting signs on Department equipment prohibited
53.22 Trimming trees; notice and restrictions
53.23 Destruction of property prohibited

Administration and Enforcement

53.35 Rates; billing and collection
53.36 Fee payment
53.37 Funds; disposition
53.38 Service variation or interruption; liability disclaimer
53.39 Inspection; right of entry
53.40 Right to terminate service

GENERAL PROVISIONS**§ 53.01 DEFINITIONS.**

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

ANSI/IEEE. Means American National Standards Institute/Institute of Electric and Electronics Engineers.

APPLICANT. Means the person, persons, or entity that is requesting power services, permission to make improvements, or improvements from the city.

BAND METER SOCKET. Means the meters found on multi-unit buildings where more than one consumer would receive service.

CONSUMER. Any person, persons, or entity who purchases power from the city and has an account in their name.

CT. Current transformer.

HP. Horsepower.

MANUFACTURED HOME. A factory-assembled structure or structures transported in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation acceptable to the authority having jurisdiction where connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electric systems contained therein (ref. Art. 550, National Electric Code).

METER. Meter, watt-hour meter, residential meter, and electric meter shall mean the device used for measuring the amount of electricity that will be billed to the consumer.

METER SOCKET. The socket that the meter plugs into.

MOBILE HOME. A factory-assembled structure or structures equipped with the necessary services connections and made so as to be readily moveable as a unit or units without a permanent foundation.

NEC. National Electrical Code.

OWNER. Any person, persons, or entity who owns property that receives service, or where service may be connected.

POINT OF DELIVERY. The point where the city's lines connect with the consumer's lines, without regard to the city's meter, transformer, or other apparatus.

SELF CONTAINED METER. A meter that is designed to carry a higher amperage.

SERVICE CONDUCTORS. The conductors from the point of delivery or other source of power to the service disconnecting means.

SERVICE ENTRANCE CONDUCTORS:

OVERHEAD SYSTEM. The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to service drop.

UNDERGROUND SYSTEM. The service conductors between the terminals of the service equipment and point of connection to service lateral.

URD. Underground Residential Distribution.
(Ord. 712, passed 8-5-2014)

CONSTRUCTION AND CONNECTIONS

§ 53.02 CONTRACTS AND TERMS.

The city, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the Board of Public Works may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. If a consumer should violate any of the rules and regulations that the Board of Public Works may hereafter adopt, the Electric System Superintendent, or his or her agent, shall cut off or disconnect the electric service from the building or place of that violation as provided in Chapter 50, and no further connection of electric service for that building or place shall again be made save or except by order of the Superintendent or his or her agent. (1992 Code, § 3-402) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.03 APPLICATION AND PERMITS.

(A) Every person or persons desiring electrical service must make application therefor to the city as provided in Chapter 50. Electricity may not be supplied to any house or building except upon the written order of the Electric System Superintendent. The Department shall not supply to any person outside the corporate limits electrical service without permission from the Board of Public Works; provided the property is within the city's zoning jurisdiction and properly zoned pursuant to one of the city's zoning districts, ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the city is provided, access to the property is accessible by a driveway approach or graded road, and the entire cost of wire, installation, and other expenses shall be paid by the consumer. If access to the property is served by a public right-of-way, consumer shall upgrade the existing right-of-way to conform to the adjacent public right-of-ways. Nothing herein shall be construed to obligate the city to provide water service to nonresidents.

(Neb. RS 17-902 and 19-2701) (1992 Code, § 3-403) Penalty, see § 10.99

(B) The required service is subject to service voltage availability. The Electric System Superintendent shall advise the consumer of the available phase and voltage for the service requested.

(C) Permits are required for any consumer or owner who is installing equipment, repairing, modifying or making improvements on any buildings or residences with existing service. The permit must describe the work or repair to be done and must contain the information of the licensed electrician who is making the repairs or installation. The Electric System Superintendent will review all permits for compliance with the NEC, this Code and any other jurisdictional requirements.

(Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.04 CONTINUITY OF SERVICE.

(A) The city will use reasonable diligence to provide and maintain uninterrupted service; but in case of cessation, deficiency, variation in voltage, or any other failure or reversal of the service, resulting from acts of God, public enemies, accidents, strikes, riots, wars, repairs, orders of Court, or other acts reasonably beyond the control of the city, it shall not be liable for damages, direct or consequential resulting from such interruption or failure.

(B) The city may at any time it deems necessary, suspend the supply of electrical energy to any consumer or consumers for the purpose of making repairs, changes or improvements upon any part of its system. The city shall make an effort to accomplish this at a reasonable time and also make an effort to notify the consumers affected when practicable.

(C) Any and all electrical services that are disconnected for 90 days or more shall have all city equipment, meters, wires, transformer, or other apparatus disconnected and removed. Before service

shall be reconnected, the point of delivery and electric service wiring shall be inspected by city's Electric System Superintendent and/or the State Electrical Inspector and must meet the current electrical codes adopted by the city prior to being re-energized.

(D) Any change in electrical service, upgrade, or reconnection after 30 days of service disconnection shall be required to relocate the electrical service point of delivery to a public right-of-way as determined by the Electric System Superintendent.

(E) Any new or relocated electrical service lines shall be required to be located underground unless otherwise authorized by the Electric System Superintendent or City Administrator.
(Ord. 712, passed 8-5-2014)

§ 53.05 NONTRANSFERABLE; SHUT-OFF NOTICE REQUIRED.

Electrical service is not transferable. Any person wishing to change from one location to another shall make a new application. If any consumer shall sell, dispose, or remove from the premises where service is furnished in his or her name, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Electric System Superintendent, who shall cause the electrical service to be shut off from the premises. If the consumer should fail to give this notice, he or she shall be charged for all electricity used on the premises until the Electric System Superintendent is otherwise advised of the circumstances.

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-404) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.06 WIRING AND CONNECTION; LICENSED ELECTRICIAN.

(A) Under no circumstances shall connections be made between the wires of the electrical distribution system of this city and the meter of the consumer, except by an employee of the city or a licensed electrician authorized to do so by the Electric System Superintendent. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. Consumer's service entrance equipment and wiring shall be installed in accordance with the NEC or any state or governmental authority having jurisdiction and shall be subject to inspection and approval by the Electric System Superintendent. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Electric System Superintendent and Building Inspector; provided, that those rules, regulations, and specifications have been reviewed and approved by the Board of Public Works.

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-405) Penalty, see § 10.99

(B) The city shall have the right, but does not assume the duty, to inspect the consumer's installation at any reasonable time and to refuse to commence or to continue service whenever it does not consider such installation to be in good and safe operating conditions.

(C) No inspection by the city, or decision not to inspect, or lack of objection to the consumer's installation, shall render the city liable for any damage or injury resulting from any defective installation of the consumer.

(Ord. 712, passed 8-5-2014)

§ 53.07 WIRING RESTRICTIONS AND REQUIREMENTS.

The consumer may have wiring done by any competent person or company duly licensed as provided by state law, but under no circumstances shall connections be made between the wires or the electric distribution system of this city. All wiring, equipment, and apparatus shall be installed and maintained in accordance with the rules, requirements, and conditions of the National Board of Fire Underwriters and the National Electric Code, and must be approved by the Electric System Superintendent or some other authorized agent of this city. The city shall not be liable in any way for damages from any wiring or motors inside any building. Any person operating or causing to be operated any oil burner, motor, sign, or other electrical apparatus connected with the light and power system of the city or suburban or farm lines, which shall cause unnecessary electrical interference with radio and television reception, shall equip the apparatus with proper filtering attachments to eliminate the interference. This provision shall not apply to the use of necessary medical or health equipment or apparatus where the interference cannot be reasonably eliminated.

(1992 Code, § 3-417) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.08 INSTALLATION EXPENSE.

The expense of installation and equipment related to the city's electric distribution infrastructure, including the electrical meter shall be paid by the city. The expense of material, including the consumer's service line and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner.

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-406) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.09 CONSUMER INSTALLATION.

(A) The consumer shall be required to secure all necessary wiring permits or certificates, certifying that all wiring has been or will be inspected and conforming with local, state, and National Electric Codes, with copies or notification of such being provided to the Electric System Superintendent before electric service will be supplied. Any fees required for such permits or inspections shall be paid by the consumer.

(B) Where the consumer's use of electric service is intermittent or causes unusual fluctuations, including but not limited to harmonics and flicker, or other detrimental effects on the service supplied

to other consumers, the city reserves the right to require the consumer to furnish, install, and maintain, at the consumer's expense, suitable corrective equipment which will limit such fluctuations or disturbances in a reasonable manner. These fluctuations shall not exceed the recommended ANSI/IEEE standards.

Penalty, see § 10.99

Motors:

Full Voltage or across the line starting of motors in excess of 30 horsepower shall not be permitted except by special permission from the city. Across the line starting of motors shall not be permitted where objectionable voltage disturbance or annoying light flicker results. Special consideration shall be given by the city to each individual case where full voltage starting is desired.

Reduced voltage starting of motors shall, at the option of the city, be required for those conditions where limited line capacity or abnormal motor starting characteristics necessitate the use of reduced voltage controllers. The type of reduced voltage controller used in individual cases shall be subject to the city's approval.

Phase rotation at new installations or for added load side of the metering equipment will be the responsibility of the consumer. Loss-of-phase protection is encouraged for three-phase loads; normal fusing and overload protection may not adequately protect a three-phase motor from damaging loss-of-phase operation.

(C) At no time shall the consumer or electrician remove any city owned electrical equipment including but not limited to, watt hour meters, connectors at the point of attachments, and instrument rated meters to de-energize consumer owned equipment.

(Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.10 SERVICE AND INSTALLATION.

(A) In general, electric service shall be supplied to a consumer's premises through point of delivery, except where a separate service may be required for (1) fire pump (2) emergency lighting purposes, or (3) additional service of difference voltage or characteristics. Under normal circumstances, the city will furnish, install and maintain overhead service conductors from the city's supply system to a point on, or adjacent to, the consumer's premises designated by the city as the point of delivery. All wiring and equipment, exclusive of the city owned metering equipment beyond this point, shall be furnished, installed and maintained by the consumer at their expense.

(B) The consumer shall provide and maintain, without cost to the city, a safe and substantial support and point of attachment for the city's overhead service conductors. In no case will the city be responsible for any damage caused by failure of, or defect in, such support or point of attachment. The support and point of attachment of the city's overhead service conductors to the building, premises, or

other means of support shall be made so as to comply with the NEC, including but not limited to, provisions regarding location, accessibility and clearance above ground, from building openings, and over roofs.

(C) Parallel operation of the consumer's electric generating equipment or other sources of supply with the city's service shall comply with the City of Kimball, Kimball, Nebraska, "Consumer Owned Generation".

(D) Where underground service is requested:

(1) Prior to any digging the consumer must call the Diggers Hotline of Nebraska.
(Neb. RS 76-2301 to 76-2330)

(2) The consumer shall provide all trench and conduit for primary, secondary and service conductors in accordance with the city specifications.

(3) Consumers requiring large commercial or industrial three phase service, in addition to the above requirements, shall provide the following:

(a) The transformer pad in accordance with the city specifications;

(b) Three-phase transformer installations dedicated to one consumer, may require an instrument rated metering system to be installed on the secondary bushings of the pad mounted transformer or in a metering cabinet located on the outside of the consumer's facility.

(4) The consumer shall be responsible for all service conductors from the point of delivery as defined by the city. Where distributed metering is installed within the consumer's facility, as approved by the city; the consumer shall be responsible for the service conductors from the point of delivery.

(5) Consumer shall notify the city prior to back filling trench for inspection of trench and conduit system. The consumer will be responsible for the proper installation of the city supplied warning tape in the trench during the back filling operation.

(6) Consumer is responsible for notifying other utilities (e.g., telephone or cable companies) if the trench is to be used jointly with the city. It is the consumer's responsibility to insure that the separation of the different utility cables is maintained per the city's specifications.

(7) The city will specify the installation and service requirements, and will designate the location from which a consumer is to be served. All trenching, conduit, and service equipment installation required is the responsibility of the consumer, contractor, and/or developer. It is the responsibility of the consumer, contractor, and/or developer to obtain an inspection of the trench and conduit prior to backfilling from the city.

(8) Socket type metering equipment shall be installed outdoors for residential metering. Construction of the new service raceway shall include a PVC Expansion Coupling and will be provided by the consumer as shown on the meter installation drawing.

(9) The conduit for the underground service must be installed prior to the placement of any concrete or other hard surface areas, retaining walls, lawn sprinkler systems, sod, grass seed, or trees and shrubbery. No swimming pool, hot tub, or wading pool shall be installed within five feet of this conduit. The city will not be responsible for any damage to the above listed items with the installation of the underground service. The consumer is responsible for any future maintenance of the trench, i.e. settling, etc.

(E) Any installation condemned by a qualified inspector shall be disconnected from the city's system and shall not be re-connected until notice has been received from the State Electrical Inspector that the installation is safe. If, in the inspector's opinion, the non-compliance with the NEC will not cause an immediate danger to life or property, the city may leave the service connected for a reasonable length of time to allow the owner to comply with the NEC. The Nebraska State Fire Marshal has the authority to condemn unsafe buildings that present a safety hazard to the public. When a condemnation order has been received, the city will refuse service without liability for such refusal until compliance with the NEC has been met as determined by the certified inspector. The city will not be liable for any loss or damage to a consumer's property, which has received final approval by a certified inspector, except for any acts of gross negligence by the city.

(Ord. 712, passed 8-5-2014)

§ 53.11 INSPECTION.

(A) All new electrical installations for single residential applications requiring new electrical service equipment shall be subject to the inspection and enforcement provisions according to the State Electrical Act (Neb. RS § 81-2101 through 81-2145).

(B) Temporary/construction services used for temporary power during the construction phase of residential, commercial, industrial, and public use buildings must receive a final inspection permit from the State Inspector prior to the hookup to the city's electric system.

(C) Emergency connects, where human life or property is in jeopardy or in a situation where an electric installer has made proper application for an inspection but a certified inspector is not available to make the inspection within the time prescribed by law (one week) and prior to the time the consumer is ready for service from the city, the following procedure shall be followed in the order given.

(1) A city service technician may inspect the service entrance equipment and verify that it meets the city requirements as related to connections and groundings. The inspection will not be made beyond the service entrance;

(2) The property owner shall be advised of the inspection requirements of the law;

(3) After divisions (1) and (2) have been executed, the city may connect the new installation to its distribution system;

(4) The city will immediately notify the State Electrical Inspector of the above action.

(D) It is the duty and responsibility of the electrician or installer of electrical apparatus to apply for an inspection of that electrical installation through the local or state authority before commencement of any work and furnish a copy of such to the city.

(Ord. 712, passed 8-5-2014)

§ 53.12 METERS.

(A) All electric current furnished to consumers by the electric distribution system of the city shall be measured by meter. No person, except an authorized agent of the city, shall be allowed to set meters or make connections to the electric service of the distribution system. The city will furnish necessary meters to consumers under the conditions prescribed in this chapter, and will keep all meters clean and in repair at the expense of the city. The owner or tenant of premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the city. Any consumer of current from the electric distribution system shall have the right to request the Electric System Superintendent to test a reasonable number of times his or her current meter which the consumer may have reason to believe is not registering the true amount of current. It shall be the duty of the Electric System Superintendent to test the meter as requested and any other meter which needs to be tested. All meters now in use or hereafter installed in connection with the electric light plant and system shall be and remain the property of the city. When a meter is entirely worn out, it will be replaced and set by the city for the consumer at the expense of the city; provided, however, in cases where meter replacements are made necessary on account of the willful neglect or recklessness on the part of consumer, then the city shall require an additional service deposit, as though application for service were made in the first instance.

(1992 Code, § 3-407) Penalty, see § 10.99

(B) *Meter in disrepair; charges.* In the event that any consumer's meter falls out of repair or fails to register properly, the City Clerk shall charge the consumer such amount as he or she deems is fair both to the consumer and the city.

(Neb. RS 19-1404) (1992 Code, § 3-412)

(C) *Self-contained meter installations.* All metering equipment enclosures, meter sockets, conduits or raceways, and service entrance conductors included in the necessary service entrance, shall be furnished, installed, and maintained at the consumer's expense and shall meet all local, State and National Electrical Codes and shall be of a type approved by the city. Typically residential, and/or commercial.

(D) *Instrument rated meter installation.* All conduits or raceways, and service conductors included in the necessary service entrance, shall be furnished, installed, and maintained at the consumer's expense and shall meet all local, state, and National Electrical Codes. All meter sockets shall be furnished and maintained by the city. Installation will be at the consumer's expense when mounted on the consumer's building, poles, or other supports. All metering equipment enclosures (CT Cabinets, etc.) shall be specified and approved by the city. A consumer contribution will be required. For city standard specifications. Typically residential, and/or commercial.

(E) Where a band of meter sockets are located on one building, each meter socket will be identified by permanent means with the service address which it serves.

(F) *Meter locations and relocations.*

(1) *Residential and rural.*

(a) The watt-hour meter shall be located outside on all new or revamped installations. The outside location allows the utility to read and maintain the meter in an efficient manner. In addition, in case of fire or other disaster, the city can disconnect the service.

(b) Self contained meters shall not be installed on city owned poles, underground service pedestals or pad mounted transformers without expressed approval from the city and Electric System Superintendent.

(c) Prior to installation or modifications that would require a change in location the consumer must apply for a permit from the city and determine the proper location of the meter and meter socket. The meter location shall not be above decks, porches or patios and shall be accessible to utility personnel.

(d) Meter socket height shall be a minimum of 4 feet and a maximum of 6 feet, as referenced to the center of the meter socket.

(e) Manufactured homes may have the meter located on the structure, provided the service equipment installed is in a manner acceptable to the authority having jurisdiction.

(f) Mobile homes shall not have the meter on the mobile home; typical installation involves a consumer-owned meter pedestal or consumer-owned meter pole. The NEC requires service equipment to be adjacent to the mobile home, to be in sight from and not more than 30 feet from the exterior wall of the mobile home it serves; some exceptions apply, reference NEC article 550.

(g) Rural residential locations may have the meter located on a building or on a consumer-owned meter-pole (commonly called a yard pole).

(2) *Commercial and industrial.*

(a) The meter shall be located outside on all new or revamped installations except by explicit written approval from the city and Electric System Superintendent;

(b) The meter location must be free from obstruction, corrosive atmosphere, and vibration and be convenient to the utility's distribution system;

(c) Clear working space in front of metering equipment (including CT enclosures) must be at least 30 inches deep and 30 inches wide as measured from the front of the meter or CT enclosure;

(d) Meter socket height shall be a minimum of 4 feet and maximum of 6 feet, as referenced to the center of the meter socket.

(3) *Hazardous locations.* Metering equipment shall not be installed in hazardous locations as defined by the latest issue of the National Electrical Code (NEC).

(4) *Meter relocation.* Some indoor residential metering installations still exist on city's system. Every effort should be made to relocate these meters outdoors.
(Ord. 712, passed 8-5-2014)

PROTECTION OF DEPARTMENT PROPERTY

§ 53.20 BUILDING MOVING; DISTURBING WIRES; PROCEDURES.

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the City Electrical Department, the same should not be done except upon written permission received from the Electric System Superintendent, who shall then order paid in advance the actual cost of moving the wires, and the cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the wires or apparatus of the Electrical Department shall be paid out of the deposit made prior to moving, and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.
(Neb. RS 19-1404) (1992 Code, § 3-411) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.21 POSTING SIGNS ON DEPARTMENT EQUIPMENT PROHIBITED.

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the City Electrical Department any sign, poster, advertisement, or banner without written permission from the Electric System Superintendent.

(Neb. RS 19-1404) (1992 Code, § 3-413) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.22 TRIMMING TREES; NOTICE AND RESTRICTIONS.

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the City Electrical Department shall, before doing that work, give reasonable written notice to the Electric System Superintendent and shall follow any and all rules and regulations which he or she may prescribe for doing that work. It shall be unlawful for any person felling or removing trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the Electrical Department, the City Council shall have the power to order cut and remove any overhanging branches or limbs of trees so that the lines will be free and safe.

(1992 Code, § 3-414) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.23 DESTRUCTION OF PROPERTY PROHIBITED.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the City Electrical Department.

(Neb. RS 28-512) (1992 Code, § 3-416) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 53.35 RATES; BILLING AND COLLECTION.

The Board of Public Works, through the authority granted by the City Council, has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the City Clerk. The City Clerk shall bill the consumers and collect all money received by the city on the account of the City Electrical Department. The City Clerk shall faithfully account for and pay over the same to the City Treasurer all revenue collected by him or her.

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-408) (Ord. 712, passed 8-5-2014)

§ 53.36 FEE PAYMENT.

Electrical fees shall be due and payable monthly at the office of the City Clerk. The owner of the premises will in all cases be held primarily responsible and will be required to pay for electricity at the premises.

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-409) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.37 FUNDS; DISPOSITION.

The funds received arising out of income from the electric distribution system shall be kept in a separate fund known as the Utilities Fund, which shall be allocated for accounting and other purposes as the Board of Public Works shall from time to time direct.

(1992 Code, § 3-418) (Ord. 712, passed 8-5-2014)

§ 53.38 SERVICE VARIATION OR INTERRUPTION; LIABILITY DISCLAIMER.

The City Electrical Department does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Electric System Superintendent has the power and authority to reduce, disconnect, or discontinue

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

(Neb. RS 17-902 and 19-1404) (1992 Code, § 3-410) (Ord. 712, passed 8-5-2014)

§ 53.39 INSPECTION; RIGHT OF ENTRY.

The Electric System Superintendent or his or her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, that in the event of an emergency, such inspections may take place at any time.

(Neb. RS 17-902) (1992 Code, § 3-415) (Ord. 712, passed 8-5-2014) Penalty, see § 10.99

§ 53.40 RIGHT TO TERMINATE SERVICE.

(A) The city reserves the right to terminate the supply of electric service to any consumer or consumers without notice for any of the following reasons:

- (1) For fraudulent representation as to the use of electric service;
- (2) For any disapproval of the consumer's equipment or installation due to defects or hazardous conditions;
- (3) For repairs or emergency operations;
- (4) For unavoidable shortage or interruptions in the city's source of supply;
- (5) Whenever such action is necessary to protect the city from meter tampering, fraud, or abuse;
- (6) Upon cancellation of contract; or
- (7) For any other like reason.

(B) The city reserves the right to terminate the supply of electric service to any consumer or consumers with reasonable notice for any of the following reasons:

- (1) For nonpayment of bill;
 - (2) If entry to its meter or meters is refused or if access thereto is obstructed or hazardous;
 - (3) If the ordinances of the city are violated;
 - (4) For maintenance and increasing the capacity of the city's facilities; or
 - (5) For any other like reason.
- (Ord. 712, passed 8-5-2014)

CHAPTER 54: GARBAGE

Section

- 54.01 Definitions
- 54.02 Garbage, rubbish, and waste; accumulation; disposal
- 54.03 Solid waste; liability for charges; proof of proper disposal
- 54.04 Garbage dumpsters
- 54.05 Collection and removal; authority to require
- 54.06 Notice to remove; removal
- 54.07 Accumulation; immediate nuisance; removal
- 54.08 Removal cost
- 54.9 Removal of rubbish and waste
- 54.10 Collection fees
- 54.11 Yard waste and recyclable materials; disposal restrictions
- 54.12 Yard waste and recyclable materials; collection fees

§ 54.01 DEFINITIONS.

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

GARBAGE. Kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

(1992 Code, § 4-201)

GARBAGE COLLECTION SYSTEM. Garbage and recyclable collection service provided for city residents and businesses.

(1992 Code, § 4-210) (Ord. 450, passed 3-16-1993; Am. Ord. 497, passed 11-22-1994)

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

(1992 Code, § 4-201)

WASTE. Cinders, ashes, plaster, brick, stone, sawdust, or sand.

(1992 Code, § 4-201)

YARD WASTE. Grass and leaves.

(Neb. RS 13-2016.01) (1992 Code, § 4-211) (Ord. 508, passed 11-21-1995)

§ 54.02 GARBAGE, RUBBISH, AND WASTE; ACCUMULATION; DISPOSAL.

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. 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 City Police Chief, who shall represent the City Council. 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. (Neb. RS 19-2106) (1992 Code, § 4-202) Penalty, see § 10.99

§ 54.03 SOLID WASTE; 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 solid waste collection system. For purposes of those charges, a person's premises are deemed to be served by the municipal solid waste collection system and the owner and occupant of the premises shall be 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 billing 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 during the applicable billing period; or

(3) Other documentation of proper disposal as may be acceptable to the City Council. (Neb. RS 13-2020) (1992 Code, § 3-106) (Ord. 570, passed 11-16-1999) Penalty, see § 10.99

§ 54.04 GARBAGE DUMPSTERS.

The dumpsters shall be used only by those residents and businesses which are authorized to, and are being billed for, the services provided by the city's garbage collection system, and shall be used only for disposal of waste generated by city residents and businesses or by those contracting for the use of the city's garbage collection system who have specifically signed up for the nonresidential service and have agreed to pay the rates for that service as specified by the Board of Public Works. The Board of Public Works may adopt such rates and regulations for the use of the city's garbage collection system by nonresidents as the Board deems appropriate.

(Ord. 497, passed 11-22-1994) Penalty, see § 10.99

§ 54.05 COLLECTION AND REMOVAL; AUTHORITY TO REQUIRE.

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

(Neb. RS 17-123.01) (1992 Code, § 4-204)

§ 54.06 NOTICE TO REMOVE; REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. This notice shall be provided by personal service or by certified mail. After providing 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 the lot or land and streets, roads, or alleys.

(Neb. RS 17-123.01) (1992 Code, § 4-205)

§ 54.07 ACCUMULATION; IMMEDIATE NUISANCE; REMOVAL.

If the Mayor declares that the accumulation of garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from the lot or land within 5 days after notice by personal service or following receipt of a certified letter in accordance with § 54.05 if the garbage or refuse has not been removed.

(Neb. RS 17-123.01) (1992 Code, § 4-206)

§ 54.08 REMOVAL COST.

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

(Neb. RS 18-1303) (1992 Code, § 4-207)

§ 54.09 REMOVAL OF RUBBISH AND WASTE.

Without additional charge to the property owner or occupant for garbage collection, the Waste Department shall collect and remove all rubbish and waste which is placed in containers.

(1992 Code, § 4-208)

§ 54.10 COLLECTION FEES.

The rates to be charged for garbage collection services shall be set by the Board of Public Works; however, the fees shall be fair and reasonable and designed to meet all necessary costs for the collection, conveyance, and disposition of the garbage, rubbish, and waste accumulated in the city. The Board of Public Works may make reasonable rules and regulations regarding the operation of garbage collection.

(1992 Code, § 4-209)

§ 54.11 YARD WASTE AND RECYCLABLE MATERIALS; DISPOSAL RESTRICTIONS.

It shall be unlawful to place yard waste, including but not limited to grass clippings and other yard vegetation, in the containers used for the pickup of garbage by the city's garbage collection system. The Board of Public Works may also, by resolution, prohibit the disposition of specifically identified recyclable materials in the garbage collection containers.

(1992 Code, § 4-211) (Ord. 450, passed 3-16-1993; Am. Ord. 497, passed 11-22-1994) Penalty, see § 10.99

§ 54.12 YARD WASTE AND RECYCLABLE MATERIALS; FEES.

The rates to be charged for yard waste and recyclable materials shall be set by the Board of Public Works; however, the fees shall be fair and reasonable and designated to meet all necessary costs for the collection, conveyance, and disposition of such items accumulated in the city. The Board of Public Works may make reasonable rules and regulations regarding the operation of the yard waste and recyclable collection fees.

(1992 Code, § 4-212) (Ord. 450, passed 3-16-1993)