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CHAPTER 50: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 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 municipality 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) (1986 Code, § 3-405) (Ord. 1002, passed 6-28-1999)

§ 50.02 UTILITY BILLS; COLLECTION.

Charges for utility services provided by or through the city shall be billed jointly on a monthly basis. The Utilities Superintendent shall read, or cause to be read, water and electric meters on or around the fifteenth 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 the tenth day of each month. Bills paid after the tenth day of each month shall have a penalty charge added thereto in an amount set by resolution of the City Council and on file in the office of the Municipal Clerk or Utilities Superintendent. Bills not paid by the twenty-fifth day of each month 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.
(1986 Code, § 3-401) Penalty, see § 10.99

§ 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 to any subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first-class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. If notice is given by first-class mail or electronic delivery, such notice 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.
(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)
(1986 Code, § 3-403) (Am. Ord. 948, passed 7-28-1997; Am. Ord. 1186, passed 2-22-2016)
Statutory reference:
Utility discontinuance regulated, see Neb. RS 70-1602 et seq.

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

(A) It is an offense for any person:

(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 the municipality, 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 the municipality if the service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or any section 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 the municipality.

(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) (1986 Code, § 3-405) (Ord. 903, passed 3-11-1996; Am. Ord. 1071, passed 4-28-2003) 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 municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts any of the following when that act results in damages to a municipal utility:

(a) Bypassing;

(b) Tampering; or

(c) Unauthorized metering.

(2) The municipality 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.

(3) In any civil action brought pursuant to this section, the municipality 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.

(4) In addition to damage or loss under division (B)(3)(a) or (B)(3)(b), the municipality 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)
(1986 Code, § 3-404) (Am. Ord. 1072, passed 4-28-2003) Penalty, see § 10.99

§ 50.06 LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the municipality for utilities service furnished, the amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the Municipal Clerk to report to the City Council a list of all unpaid accounts due for utilities service together with a description

of the premises served. The report shall be examined and, if approved by the City Council, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law.
(1986 Code, § 3-402)
Statutory reference:
Assessments authorized, see Neb. RS 18-503
Lien authorized for water and sewer delinquency, see Neb. RS 17-538 and 17-925.01

§ 50.07 UTILITY METERS; ACCESS.

The owner or tenant of premises where a utility meter is located shall provide ready and convenient access to the meter so that it may be easily examined and read. Any owner or tenant of a premises who shall violate or refuse to comply with this section shall be deemed guilty of a misdemeanor.
(Ord. 1075, passed 1-12-2004) Penalty, see § 10.99

§ 50.08 UTILITY DEPOSITS; BILLING.

(A) *Meter deposits.* All utility deposits will be in the name of the occupant (residential, commercial, or industrial) except in the case of rental properties where there is only 1 meter, or a letter is on file from the landlord allowing the utilities to be in the landlord's name, and that the landlord assumes complete financial responsibility.

(1) Residential meter deposits shall be retained for 1 year. If in the period of that 1 year the customer has not been delinquent in payments, the deposit will be returned. If the deposit is not returned because of delinquency, the account can be re-evaluated in 12 months at the customer's request. If a meter deposit has been returned and a customer becomes delinquent more than once in a 12-month period, the customer will be required to make a deposit at the current rate and the account can be re-evaluated in 12 months at the customer's request.

(2) Commercial and industrial meter deposits shall be retained for 2 years. If in the period of those 2 years the customer has not been delinquent in payments, the deposit will be returned. If a meter deposit has been returned and a customer becomes delinquent in payment more than once in a 12-month period, the customer will be required to make a deposit at the current rate and the account can be re-evaluated in 24 months at the customer's request.

(B) *Late payments.* Payments are due on the fifteenth day of the month (or the first working day after the fifteenth if the fifteenth is on a holiday or weekend). Any account not paid by this date will be charged a 10% late fee and the standard disconnect notice will be mailed. Service will be disconnected 7 working days after the disconnect notice is mailed.

(1) If payment is received when an attempt is made to disconnect the service for nonpayment, there will be a $40 attempted disconnect fee charged.

(2) If disconnected, reconnection will require a full up-to-date deposit and full payment of the outstanding bill plus a $75 disconnect/reconnection fee, if reconnection is done during normal working hours. If reconnection is done after normal working hours, on a weekend or holiday, the fee will be $125. Only money orders will be accepted for payment during non-office hours.

(C) *Returned checks.* Once a customer's check has been returned from the bank and the customer cannot prove that it was because of a bank error, the customer will be required to make his or her payments by money order or cash. There will be a $35 charge for returned checks. Twelve months later, at the customer's request, the account will be reviewed and if all payments have been made promptly during that time (no delinquencies), the customer will be allowed to make payments by check.

(D) *Uncollectible accounts.* An account will be determined to be uncollectible when the utilities have been terminated for 3 months, or longer, and final payment has not been received, and no payment arrangement has been made by the customer. This account will be turned over to a collection agency.
(Ord. 994, passed 5-10-1999; Am. Ord. 994, passed 7-22-2002; Am. Ord. 1126, passed 10-12-2010)

PUBLIC UTILITIES

§ 50.20 FRANCHISE OR PERMIT; PRIVILEGE GRANTED BY ORDINANCE.

No franchise or permit giving or granting to any person the following rights or privileges shall be given or granted unless that franchise or permit be given or granted by ordinance:

(A) To erect, construct, operate, or maintain or use any natural gas pipeline, plant, or system, or gas works, or electric light and power system or works, within the city in order to sell or distribute or provide non-municipal natural gas or electrical power and energy to any user or consumer within the city;

(B) To use the streets or alleys of the city for that purpose; or

(C) To interconnect any building, structure, or facility of any kind to any natural gas pipeline or system, or electrical line or system, other than to the natural gas or electrical system of the city.
(1986 Code, § 13-101) (Ord. 827, passed 9-13-1993) Penalty, see § 10.99

§ 50.21 UNLAWFUL ACTS.

Unless a franchise or permit has been given or granted under the provisions of § 50.20 to do so, it shall be unlawful for any person:

(A) To erect, construct, operate, or maintain or use any natural gas pipeline, plant, or system, or gas works, or electric light and power system or works, within the city in order to sell or distribute or provide non-municipal natural gas or electrical power and energy to any user or consumer within the city;

(B) To use the streets or alleys of the city for those purposes; or

(C) To interconnect any building, structure, or facility of any kind to any natural gas pipeline or system, or electrical line or system, other than to the natural gas or electrical system of the city.
(1986 Code, § 13-102) (Ord. 827, passed 9-13-1993) Penalty, see § 10.99

§ 50.22 LEGAL ACTION.

If any person, firm, or corporation constructs, operates, or maintains any natural gas pipeline, plant, or system, or gas works, or electric light and power system or works, or sells or distributes any natural gas or electricity within the city, or makes any connections with gas or electrical lines or system contrary to the provisions of the foregoing § 50.21, by law, the City Attorney may commence an action in the name of and on behalf of the city for suitable and appropriate legal and equitable relief.
(1986 Code, § 13-103) (Ord. 827, passed 9-13-1993) Penalty, see § 10.99

§ 50.23 CONDEMNATION AND APPROPRIATION OF PRIVATE PROPERTY.

In providing of municipal utilities service to its inhabitants, the city shall have the right and authority to condemn and appropriate as much private property as is necessary for the construction and operation of water, gas heating and cooling, or electric light works in such a manner as may be prescribed by law; or to condemn and appropriate any water, gas heating and cooling, or electric light works not owned by the city in such a manner as may be prescribed by law for the condemnation of real estate.
(1986 Code, § 13-104) (Ord. 827, passed 9-13-1993)

CHAPTER 51: WATER

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Cross-reference:

Water Department; operation and funding, see § 32.20

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

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

SEPARATE PREMISES. More than 1 consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building, or structure used for a separate business.

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

SUPPLY PIPE. Any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shutoff, stop box, or curb cock is located.
(1986 Code, § 3-102)

§ 51.02 POLLUTION.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department.
(Neb. RS 17-536) (1986 Code, § 3-119) Penalty, see § 10.99

§ 51.03 FLUORIDATION.

The Utilities Superintendent, under the supervision of the City Council, is hereby authorized to treat the water supply of this city by the addition of fluorine or any suitable compound thereof to the water.
(1986 Code, § 3-127)

SERVICE; CONSTRUCTION AND CONNECTIONS

§ 51.15 MANDATORY HOOK-UP.

All persons residing within the corporate limits of the city shall be required to hook up with the municipal water system unless they have permission of the City Council to do otherwise.
(Neb. RS 17-539) (1986 Code, § 3-120) Penalty, see § 10.99

§ 51.16 APPLICATION FOR SERVICE; DEPOSIT.

Every person or persons desiring a supply of water must make application therefor to the office of Utilities. The Superintendent may require any applicant to make a service deposit in the amount as has been set by the City Council and placed on file at the office of Utilities. This deposit shall be kept in a special fund and returned to the customer at that time when he or she shall cease to be a water customer, but the deposit shall be chargeable with any and all water rents and charges unpaid. Water may not be supplied to any house or private service pipe except upon the order of the Superintendent.
(Neb. RS 17-537) (1986 Code, § 3-103) Penalty, see § 10.99

§ 51.17 SERVICE TO NONRESIDENTS.

The Department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the municipality to provide water service to nonresidents.
(Neb. RS 19-2701) (1986 Code, § 3-104)

§ 51.18 WATER CONTRACT.

The municipality, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a municipal commercial main is now or may hereafter be laid. The rules, regulations, and water rates hereinafter named in this chapter, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to that consumer shall constitute a contract between the consumer and the municipality, to which contract both parties are bound. If the consumer shall violate any of the provisions of this contract or any reasonable rules and regulations that the City Council may hereafter adopt, the Utilities 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 and upon payment of the expense of shutting off and turning it on, and upon such other terms as the Superintendent shall determine and a satisfactory understanding with the party that no further cause for complaint shall arise, and in case of such a violation the Utilities Superintendent shall have the right to declare any payment made for the same forfeited and the same shall thereupon be forfeited.
(1986 Code, § 3-108)

§ 51.19 SERVICE CONTRACTS NONTRANSFERABLE; SHUTOFF NOTICE REQUIRED.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Utilities 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 Utilities Superintendent is otherwise advised of the circumstances.
(Neb. RS 17-537) (1986 Code, § 3-121) Penalty, see § 10.99

§ 51.20 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. All service pipe shall be laid to conform with the provisions of this chapter and the rules of the City Council. After service pipes are laid, the backfill shall be laid in layers of not more than 9 inches in depth and each layer thoroughly tamped. The streets, sidewalks, and pavements must be restored to as good condition as previous to making the excavation, and all dirt, stones, and rubbish must be removed immediately after completing the work. No person shall make any excavation in any street or highway within 6 feet of any laid water pipe while ground is frozen or dig up or uncover so as to expose to frost any pipe or sewer of the city except under direction of the Utilities Superintendent. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require 2 inspections by the Utilities 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 the installation by the Utilities Superintendent; provided that those rules, regulations, and specifications have been reviewed and approved by the City Council.
(Neb. RS 17-537) (1986 Code, § 3-109) Penalty, see § 10.99

§ 51.21 INSTALLATION EXPENSE.

The municipality shall furnish the equipment and labor for installation of water service including tapping the main, providing and installing the meter, installing the meter, and providing and installing fixtures and labor up to and including the curb stop or meter pit, as the case may be. No person other than the Utilities Superintendent or his or her duly authorized agent shall tap the water main. The customer shall pay a tap fee in that sum as set by resolution of the City Council. The customer shall at his or her own expense bring water service from the curb stop or meter pit, as the case may be, upon his or her own premises and shall employ a licensed plumber who shall install water service to the place of dispersement. Nonresidents shall pay tap fees and installation charges in those sums as the Utilities Superintendent, pursuant to resolution of the City Council, shall in each case fix.
(1986 Code, § 3-110) Penalty, see § 10.99

§ 51.22 REPAIRS AND MAINTENANCE.

The municipality shall repair or replace, as the case may be, all supply pipe between the commercial main and the curb stop or meter pit, as the case may be. The customer at his or her own expense shall replace and keep in repair all service pipe from the curb stop or meter pit to the place of dispersement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. All water meters shall be kept in repair by the municipality at the expense of the municipality. When meters are worn out, they shall be replaced and reset by the municipality at the expense of the municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Utilities 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. All persons taking the water shall keep their own service pipes, stop cocks, and apparatus in good repair and protect them from frost at their risk and expense and shall prevent all unnecessary waste of water; and it is hereby expressly stipulated by the Council and City Council that no claim shall be made against them or either of them by reason of breaking of any service cock, or, if from any cause the supply of water should fail, damage arising from shutting off water. No reduction in rates will be made for the time any service pipe may be frozen or out of use from any cause. 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 municipality. The municipality reserves the right to test any water service meter at any time, and if the meter is found to be beyond repair the municipality shall always have the right to place a new meter on the customer's water service fixtures at municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged an amount as may be reasonably fixed by the Utilities Superintendent. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through the meter, or while passing through the meter, to cause the same to register inaccurately.
(Neb. RS 17-537 and 17-542) (1986 Code, § 3-111) Penalty, see § 10.99

§ 51.23 LICENSED AND BONDED PLUMBER REQUIRED.

Before a plumber can perform work as a plumber or gas fitter in the city, he or she shall execute and file with the City Clerk evidence of current liability insurance in the amount of $1,000,000 providing public liability and property damage insurance to the municipality and the general public in an amount not less than $1,000,000, executed by an insurance company authorized to do business in the state. The beneficiary of the insurance policy shall be the municipality, and action may be maintained thereon by anyone injured by a breach of the conditions of the covenants contained in the required endorsement on the policy of insurance for a period of 1 year after the completion of any plumbing or gas work.
(Neb. RS 17-537) (1986 Code, § 10-403) Penalty, see § 10.99

Cross-reference:

Construction Contractors, see Ch. 115

§ 51.24 HOUSE BOILERS.

All house boilers shall be constructed with 1 or more air holes near the top of the inlet pipe, and sufficiently strong to bear the pressure of the atmosphere under the vacuum. The stop cocks and other appurtenances must be sufficiently strong to bear the pressure of the atmosphere under the vacuum. The stop cocks and other appurtenances must be sufficiently strong to bear pressure and run off the water in the mains.
(Neb. RS 17-437) (1986 Code, § 3-113) Penalty, see § 10.99

§ 51.25 SWING VALVE REQUIRED.

To prevent the siphoning of water from a structure back into the municipal water system when it becomes necessary to disrupt water service and to prevent damage to customer's property caused by siphoning, all customers applying for new water service and all customers presently serviced may be required in the discretion of the Utilities Superintendent to have placed on the line a swing valve (backflow prevention device) of a size and at a location as is approved by the Utilities Superintendent. If a present customer is required to place a swing valve on his or her line, the Municipal Clerk or Utilities Superintendent shall give the property owner notice by personally serving written notice or by registered letter or certified mail, directed to the last known address of the owner or the agent of the owner, directing the placement of the swing valve. If within 30 days of mailing or giving this notice the property owner fails or neglects to cause the placements to be made, the Utilities Superintendent may cause the work to be done and assess the cost upon the property served by that water line. Reasons for requiring swing valves include, but are not limited to, installation of an underground sprinkler system, installation or replacement of a water heater, and installation or replacement of a water softener.
(Neb. RS 17-537) (1986 Code, § 3-114) Penalty, see § 10.99

§ 51.26 SINGLE PREMISES; SEPARATE CONNECTION; RESUPPLY AND METER TAMPERING PROHIBITED.

No consumer shall supply water to other families, or allow them to take water from his or her premises, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter, or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter, or while passing through the meter to cause the meter to register inaccurately.
(Neb. RS 17-537) (1986 Code, § 3-116) Penalty, see § 10.99

§ 51.27 SERVICE SHUTOFF OR REDUCTION; LIABILITY DISCLAIMER.

The City Council or the Utilities 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 municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the municipality has no control.
(Neb. RS 17-537) (1986 Code, § 3-117)

§ 51.28 FIRE HYDRANTS.

(A) All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department; or person specially authorized by the Utilities Superintendent or City Council, 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; and then only in the exercise of the authority delegated by the Utilities Superintendent or City Council shall open any of the hydrants or attempt to draw water from the same, or at any of the hydrants or in any manner interfere with same. No person authorized to open hydrants shall delegate his or her authority to another or let out or suffer anyone to take the wrenches furnished him or her or suffer same to be taken from any house in the city except for a purpose connected with the Fire Department, or as they accompany hose carts on occasion of fire.

(B) If proprietors of lumber yards, factories, flour mills, halls, stores, elevators, warehouses, hotels, or public buildings, or regular customers of water from waterworks, wish to lay larger pipe with hydrants and hose couplings, to be used only in case of fire, they will be permitted to connect with street mains at their own expense, upon application to the Utilities Superintendent and under his or her direction, and will be allowed the use of water for fire purposes only, free of charge.
(Neb. RS 17-537 and 17-539) (1986 Code, § 3-118) Penalty, see § 10.99

§ 51.29 TIME.

All taps or plumbing work done on or to the municipal water system shall be done between the hours of 8:00 a.m. and 6:00 p.m.
(Neb. RS 17-537) (1986 Code, § 3-125) Penalty, see § 10.99

§ 51.30 ABANDONING SERVICE LINES.

In any case in which a person abandoning the use of water takes up his or her service pipe in any public highway or terrace, he or she shall, before doing so, notify the Utilities Superintendent, who shall see that the stop cock is closed and in good repair, and the public highway or terrace left in good condition.
(Neb. RS 17-537) (1986 Code, § 3-126) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 51.45 RATE SETTING.

The City Council has the power and authority to fix or change the rates to be charged for water service by resolution at any time. These rates shall be on file for public inspection at the office of Utilities. No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type. No flat rates for water service shall be quoted or allowed.
(Neb. RS 17-810) (1986 Code, § 3-105)

§ 51.46 BULK SALES.

Water may be purchased in bulk at the water plant at a rate set by resolution of the City Council.
(Neb. RS 17-810) (1986 Code, § 3-106)

§ 51.47 BILLING.

Water bills shall be part of a joint utility bill as provided in § 50.02 of this code.
(1986 Code, § 3-107)

§ 51.48 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 Utilities 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) (1986 Code, § 3-115)

§ 51.49 INSPECTION.

The Utilities Superintendent, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premises and building to or in which water is delivered, for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.
(Neb. RS 17-537) (1986 Code, § 3-122)

§ 51.50 POLICE REPORTS.

It shall be the duty of the municipal police to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of this municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.
(1986 Code, § 3-123)

§ 51.51 DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Utilities Superintendent.
(1986 Code, § 3-124) Penalty, see § 10.99

WELLHEAD PROTECTION AREA

§ 51.65 DESIGNATION OF WELLHEAD PROTECTION AREA.

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

(B) *Designation.* The City Council designates a Wellhead Protection Area for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area are based on the delineation map published by the Nebraska Department of Environmental Quality on March 2014. The boundaries of the Wellhead Protection Area are:

Beginning at the northwest corner of the Southwest Quarter of Section 6, Township 1 North, Range 6 West, proceed due east along the half section line and parallel with the section line two and one-half (2½) miles to the northeast corner of the Southwest Quarter of Section 4 Township 1 North, Range 6 West, thence due south along the half section line and parallel to the section line two and one-half (2½) miles to the south section line of Section 16, Township 1 North, Range 6 West, thence west one-half (½) mile to the southwest corner of Section 16, Township 1 North, Range 6 West, thence due south along the section line one and one-half (1½) miles to the southeast corner of the Northeast Quarter of Section 29 Township 1 North, Range 6 West, thence due west along the half section line and parallel to the section line two and one-half (2½) miles to the southeast corner of the Northwest Quarter of Section 25, Township 1 North, Range 7 West, thence due west an additional six hundred fifty (650) feet, thence due north parallel to the section line to the north section line of Section 25, Township 1 North, Range 7 West, thence due east six hundred fifty (650) feet to the northwest corner of the Northeast Quarter of Section 25, Township 1 North, Range 7 West, thence due north along the half section line one-half (½) mile to the northwest corner of the Southeast Quarter of Section 24, Township 1 North, Range 7 West, thence due east along the half section line one-half (½) mile to the northeast corner of the Southeast Quarter of Section 24, Township 1 North, Range 7 West, thence due north along the section line three (3) miles to the Point of Beginning. Containing 6279.4 acres, more or less.

(C) A copy of the map of the Wellhead Protection Area for Superior, Nebraska is on file and shall be kept in the office of the City Clerk.

(D) A certified copy of this section shall be recorded in the Office of the Registrar of Deeds of Nuckolls County, Nebraska and indexed against the tracts of land.
(Ord. 1176, passed 11-10-2014)

DROUGHT EMERGENCY CONTINGENCY PLAN

§ 51.65 CREATION AND ENFORCEMENT OF DROUGHT EMERGENCY CONTINGENCY PLAN.

(A) *Creation.* The City of Superior shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each state is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The Mayor is hereby authorized to implement the appropriate conservation measures as set forth in the Water Conservation and Drought Contingency Plan, when any of the conditions have been reached which would qualify for any of the specific stages. The Mayor is given discretion to declare each particular stage as deemed appropriate by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular state.

(B) *Enforcement.* In the event any water consumer fails to comply with the regulatory action taken by the city to protect the water supply for all, the Mayor may direct the immediate disconnection of water service to the location not in compliance with the restrictions. Water service may be resumed upon the Mayor receiving adequate evidence that compliance has been established and compliance will continue under the restrictions imposed.
(Ord. 1181, passed 7-27-2015)

CHAPTER 52: SEWERS

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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.

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

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

CHLORINE REQUIREMENT. The amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in Standard Methods.

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

FLOATABLE OIL. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of ***FLOATABLE FAT*** if it is properly pretreated and the wastewater does not interfere with the collection system.

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 processes, 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 SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 0.5 inch (1.27 centimeters) in any dimension.

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

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

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

SEWAGE. The spent water of a community. The preferred term is ***WASTEWATER***.

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. The 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.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent editions of Standard Methods for the Examination of Water, Sewage, and Industrial Waste, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM DRAIN or ***STORM SEWER.*** A drain or sewer for conveying water, ground water, subsurface water, or unpolluted water from any source.

SUPERINTENDENT. The Utilities Superintendent of the city, or his or her authorized deputy, agent, or representative.

SURCHARGE. The assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

TRAP. A fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TRAP SEAL. The vertical distance between the crown weir and the dip of the trap.

UNPOLLUTED WATERS. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(1986 Code, § 3-202)

§ 52.002 SEWER CONTRACT.

The municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The rules and regulations shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the municipality, to which contract both parties are bound. If the customer shall violate any of the provisions of the contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities 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 premises shall again be made save or except by order of the Superintendent or his or her agent.
(1986 Code, § 3-209) Penalty, see § 10.99

CONSTRUCTION AND CONNECTION; BUILDING SEWERS

§ 52.015 APPLICATION FOR PERMIT; DEPOSIT.

Any person wishing to connect with the sewer system shall make an application therefor to the Utilities Superintendent. The Superintendent may require any applicant to make a service deposit in the amount as has been set by the City Council and placed on file at the office of the Utilities. Sewer service may not be supplied to any house or building except upon the order of the Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the City Council; 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 municipality to provide sewer service to nonresidents.
(Neb. RS 17-149 and 19-2701) (1986 Code, § 3-203) Penalty, see § 10.99

§ 52.016 SEWER SYSTEM; REPAIRS AND REPLACEMENT.

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

(B) The Utilities Superintendent 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 the 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 Utilities Superintendent may cause the work to be done and assess the cost upon the property served by that connection.
(Neb. RS 18-1748) (1986 Code, § 3-210) Penalty, see § 10.99

§ 52.017 CESSPOOLS, PRIVIES, AND SEPTIC TANKS 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.
(1986 Code, § 3-213) Penalty, see § 10.99

§ 52.018 SANITARY FACILITIES AND CONNECTION REQUIRED.

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the

municipality, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect those facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after being notified by the City Council to do so.
(1986 Code, § 3-214) Penalty, see § 10.99

§ 52.019 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.
(1986 Code, § 3-221) Penalty, see § 10.99

§ 52.020 PERMIT CLASSIFICATION; APPLICATION; FEE.

(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 municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of $10 for a residential or commercial building sewer permit and $20 for an industrial building sewer permit shall be paid to the municipality at the time the application is filed.
(1986 Code, § 3-222) Penalty, see § 10.99

§ 52.021 SEWER CONNECTION; INSTALLATION EXPENSE.

The customer, upon approval of his or her application for sewer service, shall pay to the Utilities Superintendent a tap fee as set by resolution of the City Council for the expense of processing the application and tapping the sewer main. The Utilities Superintendent, in his or her discretion, may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay all other costs of installation.
(1986 Code, § 3-223) Penalty, see § 10.99

§ 52.022 SEPARATE BUILDING SEWERS.

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.
(1986 Code, § 3-224) Penalty, see § 10.99

§ 52.023 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 Superintendent, to meet all requirements of this chapter.
(1986 Code, § 3-225) Penalty, see § 10.99

§ 52.024 CONSTRUCTION CODES AND REGULATIONS APPLY.

(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 municipality. 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 municipality, 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 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 Superintendent before installation.
(1986 Code, § 3-226) Penalty, see § 10.99

§ 52.025 UNLAWFUL WATER 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.
(1986 Code, § 3-227) Penalty, see § 10.99

§ 52.026 INSPECTIONS.

The applicant for the building sewer permit shall notify the 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.
(1986 Code, § 3-228) Penalty, see § 10.99

§ 52.027 EXCAVATIONS; BARRICADES AND LIGHTS; RESTORATION.

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 municipality.
(1986 Code, § 3-229) Penalty, see § 10.99

PRIVATE SEWAGE DISPOSAL SYSTEM

§ 52.040 WHEN PERMITTED.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 52.018 of this code, 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, as provided in § 52.018, 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 clean bankrun gravel or dirt.
(1986 Code, § 3-215) Penalty, see § 10.99

§ 52.041 PERMIT; FEE.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for this permit shall be made on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $10 shall be paid to the municipality at the time the application is filed.
(1986 Code, § 3-216) Penalty, see § 10.99

§ 52.042 INSPECTIONS.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the 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 24 hours of the receipt of notice by the Superintendent.
(1986 Code, § 3-217) Penalty, see § 10.99

§ 52.043 SPECIFICATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health and Human Services of this 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 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(1986 Code, § 3-218) Penalty, see § 10.99

§ 52.044 MAINTENANCE.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the municipality.
(1986 Code, § 3-219) Penalty, see § 10.99

§ 52.045 ADDITIONAL REQUIREMENTS.

No statement contained in §§ 52.040 through 52.044 of this code shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
(1986 Code, § 3-220)

USE OF PUBLIC SEWERS

§ 52.060 UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the municipality or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the municipality, any human or animal excrement, garbage, or other objectionable waste.
(1986 Code, § 3-211) Penalty, see § 10.99

§ 52.061 UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the municipality, or within 1 mile of the corporate limits thereof, or in any area under the jurisdiction of the municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
(1986 Code, § 3-212) Penalty, see § 10.99

§ 52.062 DISCHARGE OF UNPOLLUTED WATERS.

(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 sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the 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 municipality for such costs. The costs shall be determined by the Superintendent with the approval of the Governing Body.
(1986 Code, § 3-230) Penalty, see § 10.99

§ 52.063 PROHIBITED 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 sewage treatment plant, including but not limited to cyanides in the excess of 2 mg/l as CN in the wastes as discharged to the public sewer;

(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,

unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; 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 municipality; or

(d) A chlorine requirement greater than demanded by normal sewage as evaluated by the municipality's consulting engineer shall be subject to the review of the 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 the 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 these approvals are obtained in writing.
(1986 Code, § 3-231) Penalty, see § 10.99

§ 52.064 RESTRICTED DISCHARGES.

(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 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 150°F (65°C);

(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 32°F and 150°F (0°C and 65°C);

(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 or 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 quantities so 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.
(1986 Code, § 3-232) Penalty, see § 10.99

§ 52.065 RIGHT TO REJECT DISCHARGE OR REQUIRE PRETREATMENT.

(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 § 52.064 of this code, and which, in the judgment of the 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 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 § 52.081 of this code.

(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.
(1986 Code, § 3-233) Penalty, see § 10.99

§ 52.066 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the 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 so as to be readily and easily accessible for cleaning and inspection.
(1986 Code, § 3-234) Penalty, see § 10.99

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

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(1986 Code, § 3-235) Penalty, see § 10.99

§ 52.068 CONTROL MANHOLES; INSTALLATION AND MAINTENANCE.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with those 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.
(1986 Code, § 3-236) Penalty, see § 10.99

§ 52.069 SAMPLING AND ANALYSIS; METHOD.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter, shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.
(1986 Code, § 3-237) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 52.080 WASTEWATER SYSTEM; DESTRUCTION OF PROPERTY 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.
(1986 Code, § 3-238) Penalty, see § 10.99

§ 52.081 WASTES OF UNUSUAL STRENGTH OR CHARACTER; SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefor, by the industrial concern.
(1986 Code, § 3-239)

§ 52.082 INSPECTIONS; RIGHT OF ACCESS.

The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this chapter. The Superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
(1986 Code, § 3-240) Penalty, see § 10.99

§ 52.083 INSPECTIONS; OBSERVATION OF SAFETY RULES; LIABILITY.

While performing the necessary work on private properties referred to in § 52.082, the Superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipal employees, and the municipality shall indemnify the company against loss or damage to its property by municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as they may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.068.
(1986 Code, § 3-241)

§ 52.084 EASEMENTS; RIGHT OF ACCESS.

The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying

within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (1986 Code, § 3-242) Penalty, see § 10.99

§ 52.085 VIOLATIONS; NOTICE; LIABILITY FOR DAMAGES.

(A) Any person found to be violating any provision of this chapter except §§ 52.080 and 52.120 *et seq.* shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of that violation. (1986 Code, § 3-243) Penalty, see § 10.99

§ 52.086 ENFORCEMENT AUTHORITY.

The municipality 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 municipal limits.
(1986 Code, § 3-244)

RATES AND CHARGES

§ 52.100 RATE SETTING.

The City Council has the power and authority to fix or change the rates to be charged for sewer service at any time. The rates shall be on file for public inspection at the office of Utilities. Service by the Municipal Sewer Department outside of the corporate limits of the city shall be in an amount to be determined by the City Council.
(Neb. RS 17-810) (1986 Code, § 3-204)

§ 52.101 PRIVATE WELLS; METER.

Sanitary sewer users having a private water supply which is discharged into the sanitary sewerage system shall meter same at the user's expense and shall be billed at the same rate as that applied to like customers having the city water supply; or the private water shall be added to water supplied by the city for billing purposes if city water is also used by the customer.
(1986 Code, § 3-205)

§ 52.102 COMMERCIAL METER OPTION.

Commercial consumers may, at their option and expense, and with the approval of the City Council, install sewage meters to measure all sewage discharge into the sanitary sewerage system. These consumers shall be billed at the regular commercial rate using the sewage meter readings in lieu of water readings. The City Council shall have the right to remove, repair, and reinstall all sewage meters at the expense of the customer.
(1986 Code, § 3-206)

§ 52.103 CLASSIFICATION OF USERS.

The City Council may classify for the purpose of rental fees the customers of the Municipal Sewer Department; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.
(Neb. RS 17-925.02) (1986 Code, § 3-207)

§ 52.104 BILLING.

Sewer bills shall be part of a joint utility bill as provided in § 50.02 of this code.
(1986 Code, § 3-208)

EQUITABLE SERVICE CHARGES; COST RECOVERY

§ 52.120 PURPOSE.

It is determined and declared to be necessary to generate sufficient revenue to pay all costs for the operation and maintenance, replacement parts, bonded indebtedness, and sewer system maintenance of the sewerage system relating to the wastewater treatment plant owned by the city. Costs attributable to these operations are to be equitably allocated to all users of the wastewater system in accordance with the provisions hereinafter set forth.
(Ord. 1024, passed 2-11-2002)

§ 52.121 DEFINITIONS.

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

ACT. The Clean Water Act of 1977 and all amendments thereto as found at 33 U.S.C. 1251 *et seq.*
ALLOCATED INDUSTRIAL CAPACITY. The portion of the total wastewater treatment plant

capacity allocated to an industrial, manufacturing, trade, or business establishment without imposition of a surcharge.

BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

COMMERCIAL USER. All users other than industrial users or residential users.

DEQ or ***NDEQ.*** The State Department of Environmental Quality.

EPA or ***U.S. EPA.*** The U.S. Environmental Protection Agency.

FIXED OM&R COSTS. Those budget costs for operation of the wastewater treatment plant which cannot be reasonably varied in accordance with monthly fluctuations in usage of the wastewater treatment plant, and shall include, but not be limited to, salaries and personnel costs, office and laboratory equipment, small tools, maintenance and repairs of equipment and physical plant, insurance costs allocable to the wastewater treatment plant, debt service payments on bonded indebtedness attributable to capital costs allocable to the wastewater treatment plant and the replacement parts fund.

FOG. Fats, oils, and greases discharged into the sanitary sewer.

FORMULA VARIABLES. The variables utilized in formulas adopted herein for the determination of charges to be assessed for discharges into the sanitary sewer and are hereby assigned the following equivalencies:

(1) B = Concentration of BOD from a user above permitted level;

(2) B_A = BOD variable cost allocation constant;

(3) B_C = Cost for plant operation and maintenance of a unit of BOD;

(4) B_T = Total BOD contribution from all users per unit of time;

(5) B_U = Total BOD contribution from a user per unit of time;

(6) C_S = A surcharge for wastewaters of excessive strength;

(7) C_T = Total portion of plant variable OM&R costs per unit of time;

(8) C_U = A user's charge of variable OM&R costs per unit of time;

(9) F = Concentration of FOG from a user above permitted level;

(10) F_A = FOG variable cost allocation constant;
(11) F_C = Cost for plant operation and maintenance per unit of FOG;

(12) F_T = Total FOG contribution from all users per unit of time;

(13) F_U = Total FOG contribution from a user per unit of time;

(14) S = Concentration of SS from a user above permitted level;

(15) S_A = Suspended solids variable cost allocation constant;

(16) S_C = Cost for plant operation and maintenance per unit of SS;

(17) S_T = Total suspended solids contribution from all users per unit of time;

(18) S_U = Total suspended solids contribution from a user per unit of time;

(19) V = Volume from a user above permitted level;

(20) V_A = Volume variable cost allocation constant;

(21) V_C = Cost for plant operation and maintenance of a unit of wastewater volume;

(22) V_T = Total volume contribution from all users per unit of time; and

(23) V_U = Volume contribution from a user per unit of time.

INDUSTRIAL PLANT. Any facility which discharges industrial wastes as defined in this section.

INDUSTRIAL USER. Any nongovernmental user of the city sewage system discharging industrial wastes into the city sanitary sewer system.

INDUSTRIAL WASTES. All water, water-carried solids, liquid, and gas wastes resulting from any industrial, manufacturing, or processing operation or process.

MAJOR CONTRIBUTING INDUSTRY. Any industry contributing over 10% of the flow, BOD, SS, or FOG loading to the city wastewater treatment system.

MILLIGRAMS PER LITER or ***mg/l.*** A weight to volume ratio. The figure appearing before the symbol ***mg/l*** shall be the number of milligrams to be found in 1 liter of the substance being tested. This weight to volume ratio can be converted to pounds per million gallons of water by multiplying the figure appearing before the symbol ***mg/l*** by 8.34.

NPDES PERMIT. The National Pollutant Discharge Elimination permit as established by the Act. All municipalities, industries, and commercial enterprises that discharge to surface watercourses are required to have ***NPDES PERMITS*** approved by the EPA and DEQ.

PERSON. Any person, firm, corporation, or association.

PRETREATMENT. The application of physical, chemical, or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharge into a sanitary sewer.

PROHIBITED POLLUTANTS. The items hereinafter set forth which may not be discharged into the sanitary sewer system.

PUBLIC SANITARY SEWER. Any sanitary sewer constructed by the city or dedicated to the city, regardless of the source of funding, and any sanitary sewer belonging to any public trust or municipal corporation or body politic of any kind.

REPLACEMENT PARTS FUND. A fund established for the purpose of providing for the eventual obsolescence and expected needs for capital improvements to the facility or provide for a replacement thereof at the end of the useful life of the wastewater treatment plant. As part of the fixed OM&R costs this fund shall be established to be in the amount of 15% of annual operation and maintenance budget, not to exceed $100,000 per year, and that sum shall actually be segregated into a separate account for the purpose of assuring the availability of this sum for the purposes intended. By proper resolution of the city the amount of this ***REPLACEMENT PARTS FUND*** and the annual additions thereto can be amended.

RESIDENTIAL USERS. The users whose property is used exclusively for residential purposes.

SANITARY SEWER. A sewer that carries sanitary wastewater and industrial wastes and to which storm, surface, and ground water are not intentionally admitted.

SS or ***SUSPENDED SOLIDS.*** Solids that either float in sewage or are in suspension in sewage, which are removable by a laboratory filtration device.

VARIABLE OM&R COSTS. All the costs attributable to the wastewater treatment plant other than fixed OM&R costs.

WASTEWATER. The liquid and water-carried domestic or industrial wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's treatment works.

WASTEWATER PLANT. Any facility owned by the city which is used for receiving and treating wastewater.
(Ord. 1024, passed 2-11-2002)

§ 52.122 INDUSTRIAL PLANT USAGE.

(A) The city shall accept, treat, process, and dispose of industrial wastes and sewage originating at a major contributing industry plant site in or near the city as allocated by contract with the major

contributing industry, it being specifically provided that the city's wastewater plant shall receive, and the major contributing industry shall have the right to discharge up to the quantities and qualities of wastewaters as their allocated industrial capacities as determined by separate agreement and enforceable through this subchapter.

(B) The city shall not be obligated to accept any wastewater which exceeds the industrial user's allocation as set forth in separate agreement, either as to quantity or content of wastewater.

(C) The major contributing industry shall not exceed the allocated industrial capacities and shall abide by this subchapter and all other laws and regulations applicable to the use of the sanitary sewers and wastewater plant of the city and shall not introduce into the wastewater plant any material which will impede operation of the wastewater plant.

(D) Upon determination that industrial wastes discharged by the major contributing industry will be harmful to the structure, process, or operation of the wastewater plant, or detrimental to the quality of the effluent, the major contributing industry may be required by the city to provide preliminary treatment or processing facilities, at its expense, to render the wastes acceptable for admission to the sanitary sewers.

(E) As of the effective date of this subchapter, the wastewater treatment plant has the capacity to handle the following quantities and quality of wastewater:

(1) Average hydraulic flow: 0.390 MGD;

(2) Biochemical oxygen demand (BOD): 600 lbs./day;

(3) Total suspended solids: 750 lbs./day; and

(4) TKN: 97.0 lbs./day.

(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.123 PROHIBITED DISCHARGES.

No person shall discharge any of the following substances or conditions into any public sanitary sewer in the city, into any sewer flowing into any public sanitary sewer in the city, or into any sewer flowing into any wastewater plant owned or operated by the city:

(A) Storm water or ground water, roof runoff, subsurface drainage, or any water from downspouts, yard drains, fountains and ponds, sump pumps, septic tanks, or lawn sprays;

(B) Any liquid or vapor having a temperature higher than 150°F or 65°C;

(C) Flammable or explosive liquids, solids, or gases;

(D) Radioactive materials or other wastes defined as hazardous materials or wastes under federal laws and applicable regulations; or

(E) Any toxic substances which are not amenable to treatment or reduction by the wastewater treatment process.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.124 MONITORING FACILITIES.

The city may require any industrial user to construct, at the expense of that industrial user, monitoring facilities to allow inspection, sampling, and flow measurement of the industrial user's wastewater discharges, and may also require sampling or metering equipment to be provided, installed, and operated at the industrial user's expense. Authorized personnel of the city shall have access to the monitoring facilities at all times for inspection and sample collection. If the designated monitoring facilities are locked, special arrangements shall be made to allow access. The city's personnel shall also have the right to set up monitoring devices at the industrial users' facilities.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.125 RELIABILITY OF MONITORING FACILITIES.

Approval of proposed monitoring facilities or equipment by the city does not, in any way, guarantee that those facilities or equipment will function in the manner prescribed by their constructor or manufacturer; nor shall it relieve a person of the responsibility to enlarge or otherwise modify the facilities to accomplish the intended purpose.
(Ord. 1024, passed 2-11-2002)

§ 52.126 SAMPLING METHODS.

(A) All measurements, tests, and analyses of the characteristics of industrial wastes 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 American Water Works Association, or published EPA methods of analysis, and shall be determined at the monitoring facilities or from samples taken at the monitoring facilities. Sampling shall be carried out by customarily accepted methods to reflect the effects of waste constituents upon the wastewater treatment works and to determine the existence of possible hazards to life, limb, and property.

(B) All samples taken by the city will be divided and shared with the major contributing industry and the results of the testing shall be made available by the city to the major contributing industry upon request. Nothing herein shall preclude the major contributing industry from collecting samples and presenting their analysis to the city for consideration.

(C) The Utilities Superintendent shall first resolve any questions relative to the results of sampling and testing. If the major contributing industry does not accept the decision of the Utilities Superintendent, it shall give written notice to the city. At the written request of the major contributing industry any disputes as to the testing results shall be submitted to a mutually agreeable laboratory for further tests, which results shall be final for determinations regarding those samples. If it is found that the testing by the city is in error by more than 20%, the costs of third party testing will be paid by the city. In the event a test by a third party laboratory is required, and the error is less than 20%, then the costs of the same shall be borne by the party making written request therefor. In the event the major contributing industry fails to give written notice of its objection to the city's tests or decision by the Utilities Superintendent within 10 days after receipt of the test information or decision, that test information or decision shall become final.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.127 RATES.

(A) Customers of the Municipal Sewer Department shall be charged a rate based on water usage for the use of sewer service. Rates shall be set by the Governing Body.

(B) The rates shall be as established by resolution of the City Council and as maintained on file at the office of the Municipal Clerk available for public inspection at any reasonable time.
(Ord. 1024, passed 2-11-2002)

§ 52.128 SYSTEM MAINTENANCE ASSESSMENT TO MAJOR CONTRIBUTING INDUSTRIES.

(A) The annual cost for sewer system maintenance shall be determined by the city or its representative and shall include annual costs for labor, insurance, rodent control, repairs, supplies and freight, office supplies, electricity, gasoline and oil, natural gas, mechanized sewer cleaning, sand and gravel, and a reasonable contingency fund not to exceed $10,000 for the sewer system including collection system and lift stations except at the wastewater plant site. This annual cost shall be separately identified in the annual budget adopted by the city.

(B) Sewer system maintenance costs shall be proportionately shared by the city and the major contributing industry on a monthly basis. The major contributing industry shall be assessed, on a proportionate use basis, the monthly sewer system maintenance costs as part of its industrial user billing. The city will be responsible for the balance of the costs for budgetary sewer system maintenance.

(C) The proportionate assessments to major contributing industries shall be determined by the city in accordance with established costs incurred by the city to repair, service, and collect wastewater from the major contributing industry, commercial, and residential users, and should there be a significant shift in the costs attributable thereto, this allocation is subject to adjustment by resolution of the City Council. In the event of major repairs to the city sewer system or replacement of major portions thereof, the city

will determine the assessment costs for those repairs and levy the same on a proportionate use basis between the commercial users, residential users, and the major contributing industry.
(Ord. 1024, passed 2-11-2002)

§ 52.129 MAJOR CONTRIBUTING INDUSTRIES CUSTOMER CHARGES.

In addition to the sewer system maintenance costs assessed to the major contributing industry, the following formulas shall be utilized to determine the appropriate monthly billing to be paid to the city by the industrial user for normal usage of the city's wastewater plant in the treatment of its industrial wastes.

(A) *Proportionate fixed costs.* Until adjusted as hereinafter provided, on a monthly basis, the major contributing industry shall pay to the city a monthly charge equivalent based on its proportional share of the annual estimated fixed OM&R costs divided by 12.

(B) *Capital improvements costs.* In the event that capital improvements are undertaken in respect to the wastewater plant after the date of the adoption of this subchapter, the proportionate share of the bonded indebtedness and other fixed OM&R costs shall be determined based upon the then existing data in respect to flows and contents of those flows attributable to the city and the major contributing industries necessitating the undertaking of the capital improvements. All costs of the capital improvement shall be allocated between the city and the major contributing industries in proportions as may be then equitably based upon the relative utilization of the capital improvement. In establishing the relative proportionate shares for the capital improvements, a committee composed of representatives from each of the major contributing industries and the city as appointed by the Mayor of the City Council shall make recommendations to the City Council, which shall, by resolution duly adopted, determine the relative allocation of the bonded indebtedness and other fixed OM&R costs attributable to any such capital improvements to the wastewater plant. At the time of adjustment occurring by reason of the completion of a capital improvement to the wastewater plant, nothing shall prohibit an adjustment of the proportionate share of all fixed costs taking into account the bonded indebtedness and other fixed costs of the capital improvement in lieu of segregating the proportionate share of the items allocable solely to the capital improvement. Upon the adoption of a resolution in respect to the allocation of the costs of any capital improvement, the allocation shall be applicable to the next full monthly billing cycle first occurring after the date of the adjustment.

(C) *Variable costs.* On a monthly basis, the major contributing industry shall also pay to the city a monthly charge for variable OM&R costs which will take into account the relative usage by those industrial users. The formula to be utilized in determining the variable costs to be paid by the major contributing industry is as follows.

$$C_U = (V_A\ C_T\ V_U/V_T) + (B_A\ C_T\ B_U/B_T) + (S_A\ C_T\ S_U/S_T) + (F_A\ C_T\ F_U/F_T)$$

(D) *Determination of allocations to fixed and variable costs.* Annually, a committee composed of representatives from each of the major contributing industries, the operator of the plant, and representatives from the city as appointed by the City Council, shall review all items of expense allocable

to the operation of the wastewater plant for the purpose of establishing what costs should be allocated to variable cost in respect to the city's budgetary process. Prior to the adoption of the budget of the city, the committee so established shall report to the city and make its recommendations in respect to the proper budgetary allocations of fixed OM&R costs and variable costs for the operation of the wastewater plant. Based upon the recommendations of the committee, the city, by proper resolution duly adopted, shall then establish what portions of the budgetary costs attributable to the wastewater plant constitute fixed OM&R costs and what portions constitute variable costs.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.130 LIEN.

The city shall have the right to declare any and all delinquent payments due to the city in accordance with this subchapter a special assessment tax and certify the same to the County Clerk and Treasurer's Office to be included in the real estate taxes of the property to which the delinquent payment relates.
(Ord. 1024, passed 2-11-2002)

§ 52.131 VIOLATION OF DISCHARGE LIMITATIONS; REMEDIES; APPEALS.

Should the city determine that any user is violating the requirements of this subchapter, the following provisions shall be applicable.

(A) Upon determination that there is reasonable cause to believe that a violation of this subchapter exists at the premises of any user, the Utilities Superintendent shall notify the owner or occupant or user in writing stating the nature of the violation and providing a reasonable time for corrections to be made. In the absence of unusual circumstances, 30 days shall be considered a reasonable time.

(1) The person receiving the notice shall report to the Utilities Superintendent within 30 days, in writing, stating what action has been taken and is being taken to correct the conditions constituting the violation. If the user, occupant, or owner of the premises does not correct the violation within the time limit, or within any extension of time granted by the Utilities Superintendent, the Utilities Superintendent shall cause 1 or all of the following to occur:

(a) Terminate service to the premises;

(b) Cause the city to initiate court action to enforce compliance;

(c) Declare all sums owing for services immediately due and collectible; and

(d) Start court action for the levy of a fine for violation of this subchapter.

(2) No service shall be terminated until the user has been notified in writing of the above intent. A reasonable time must be allowed for the permittee to show cause why the service should not be revoked.

(B) Election by the Utilities Superintendent to terminate service shall not release the major contributing industry from its obligations to pay sums owing hereunder if the termination was proper under the provisions of this subchapter. All delinquent payments hereunder shall draw interest at the maximum legal rate allowed by state law.

(C) Any person aggrieved by any notice by the Utilities Superintendent in accord with this section may obtain a hearing upon a written request being filed with the Utilities Superintendent. The written request must be filed within the time for correcting the violation, or with any extension of time granted by the Utilities Superintendent. Any such written request will postpone the date that the work is required to be completed until after the hearing; provided, however, that the Utilities Superintendent will set the date for hearing on the request for hearing as early as possible. At the hearing, the petitioner may present any facts or argument the petitioner desires to present, may be represented by counsel, and may present expert testimony or technical evidence as is necessary to establish the contentions of the owner or occupant. After the hearing, the Utilities Superintendent may continue the original order in effect, modify the order, or withdraw the order, depending on the facts shown at the hearing.

(D) Any person aggrieved by any decision of the Utilities Superintendent under the provisions of this section may appeal to the City Council. The appeal shall be by a notice in writing stating the nature of the decision of the Utilities Superintendent and stating briefly the reasons for the appeal, that is, the reason why the owner or user believes that the decision of the Utilities Superintendent should be overturned or modified. The appeal must be filed within 15 days after the user is notified by the Utilities Superintendent of his or her decision. The appeal will delay the effective date of the Utilities Superintendent's order until after the hearing.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

§ 52.132 USER CHARGE SYSTEM REVIEW.

The city will review the user charge system at least annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the cost of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement, expenses among users and user classes.
(Ord. 1024, passed 2-11-2002)

§ 52.133 INTERRUPTION OF SERVICE; DISCLAIMER.

The city shall not be liable for failure to transport or treat wastewater of any user if the failure arises from any cause or circumstance beyond the reasonable control of the city, including federal or state court order, or damage to, or incapacity of, the sewer system or the wastewater plant resulting from fire, flood, or other casualty. In the event of any failure, breakdown, or interruption in the sewage treatment service contracted hereunder, the city shall use its best efforts to promptly reactivate the operation of the wastewater plant and sewer system.
(Ord. 1024, passed 2-11-2002)

§ 52.134 INSURANCE OF PLANT.

The city shall adequately insure the wastewater plant with fire, casualty, flood, and extended coverage insurance and liability insurance in respect to the operation of the wastewater plant by it.
(Ord. 1024, passed 2-11-2002)

§ 52.135 OWNERSHIP OF PLANT AND SYSTEM.

No user of the wastewater plant or the city's sewer system shall for any purpose be construed as having any ownership interest in the same.
(Ord. 1024, passed 2-11-2002)

§ 52.136 MAJOR CONTRIBUTING INDUSTRY; DISCHARGE; SUCCESSOR OBLIGATIONS.

(A) Major contributing industry shall be permitted to discharge wastewaters having a 24-hour average hydraulic flow of 0.170 million gallons per day (MGD) with a BOD of 254 pounds per day, SS of 438 pounds per day.

(B) In the event of the sale of the major contributing industry plant, or any portion thereof, the successors in interest to those facilities shall be bound by and must assume the obligations allocable to those facilities in the event the successor intends to use the city's sanitary sewer and wastewater plant. Additionally, should the major contributing industry or its successors in interest cease operations or no longer utilize the city's wastewater treatment plant, the major contributing industry or its successors in interest shall remain obligated to pay the city that portion of the fixed OM&R costs attributable to debt service on bonded indebtedness for capital costs allocable to the wastewater treatment plant as it then exists in the relative proportionate share in effect and the time of the cessation of usage by the major contributing or its successors in interest.
(Ord. 1024, passed 2-11-2002) Penalty, see § 10.99

CHAPTER 53: ELECTRICAL SYSTEM

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Cross-reference:

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SERVICE; CONSTRUCTION AND CONNECTION

§ 53.01 CONTRACTS AND TERMS.

The municipality, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to other persons within or without its corporate limits, as and when, according to law, the City Council may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named, in this chapter, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to the applicant or customer shall constitute a contract between applicant or customer and the municipality, to which both parties are bound. If a customer should violate any of the provisions of the contract or any reasonable rules and regulations that the City Council may hereafter adopt, the Utilities Superintendent, or his or her agent, shall cut off or disconnect the electric service from the building or place of the violation pursuant to § 50.03 of this code, 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. Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose, or remove from the premises where service is furnished in his or her name, or if the premises are destroyed by fire or other casualty, he or she shall at once inform the Utilities 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 Utilities Superintendent is otherwise advised of the circumstances.
(Neb. RS 17-902) (1986 Code, § 3-302) Penalty, see § 10.99

§ 53.02 APPLICATION FOR SERVICE.

Every person or persons desiring electrical service must make application therefor at the office of Utilities. The application must state truly and fully all the uses to which the electric current is to be applied, including the type and condition of machinery, appliances, or equipment to be used in connection therewith; and no additional use will be allowed except by permission of the Utilities Superintendent. No customer shall be permitted or allowed to re-sell any electrical energy furnished him or her by the city. Any applicant may be required to make a service deposit as set by resolution of the City Council and on file at the office of Utilities. Electricity may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The system shall not supply to any person outside the corporate limits electrical service without special permission from the City Council; provided, that the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the municipality to supply electrical service to nonresidents.
(Neb. RS 17-902 and 19-2701) (1986 Code, § 3-303) Penalty, see § 10.99

§ 53.03 INSTALLATION EXPENSE.

(A) The expense of installation and equipment for overhead or underground electrical service is as follows.

(1) *Overhead (initial installation).* The city will pay for and install the first 150 feet of secondary cable. The customer will pay for all additional cable and all lift poles as needed.

(2) *Underground (initial installation).* The city will reimburse the ratepayer for the equivalent of 150 feet of overhead secondary cable. Customers requesting an underground service that requires a pad mounted transformer(s) will pay the difference in cost between the overhead mounted transformer(s) and the pad mounted transformer(s).

(B) The meter socket, riser, weatherhead, and wait insulator shall be provided by the consumer. The electrical meter for overhead or underground service shall be the responsibility of the city. Maintenance and replacement expense shall be apportioned in the same manner.
(Neb. RS 17-902) (1986 Code, § 3-304) (Am. Ord. 3-304, passed 11-14-2000)

§ 53.04 METERS; TESTING; INSURANCE.

(A) All current furnished by the electric distribution system of the city shall be measured by meter, the property of, furnished, and set by the city. No person except an authorized agent of the city shall be allowed to set meters or make connections to the electric service of the distribution system. The city shall furnish all necessary meters upon proper application by the customer 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 be easily examined and read.

(B) Any customer shall have the right to request the City Council to test, at the expense of the consumer, a reasonable number of times, his or her current meter when he or she shall have reason to believe it is not registering the true amount of current; provided, that if the test shows the electric meter to be running 2% or more fast, the expense of the test shall be borne by the municipality. It shall be the duty of the City Council to test the meter as requested and any other meter which needs to be tested. Should a customer's meter get out of repair or fail to register properly, the customer will be charged for electric current during the time when the meter is out of order or repair on the basis of monthly consumption during the same month of the preceding year. If no such basis for comparison exists or if circumstances have been materially altered, then that customer shall pay the amount as reasonable fixed by the Utilities Superintendent.

(C) All meters now in use or hereafter installed in connection with the distribution system of this city shall be and remain the property of the city. When any meter is entirely worn out or for other reasons a replacement is deemed necessary, a new meter will be furnished and set by and at the expense of the city; provided, in cases where meter repair or replacements are made necessary because of the willful neglect, recklessness, or tampering on the part of any customer, then the city shall require that

customer to pay for the installing of a new meter or the making of repairs and collect the cost thereof as for the service rendered or to be rendered in the repairing and replacing of meters.

(D) The applicant or customer specifically consents and agrees to keep all service meters and supply wires insured for the benefit of the city against fire or other casualty and hereby designates the Superintendent, or his or her agent or attorney in fact, to collect from the insurance carrier, in the event of loss or destruction of the meter or supply wires by fire or other casualty, from the proceeds payable to the customer out of any policy of insurance affecting the premises where that meter or supply wire is located, the reasonable value of the meter or supply wire and deduct that value from payment to be otherwise made under the policy; and provided further, if the customer carries no insurance on the premises or place where the meter is set, the customer hereby consents and agrees to reimburse the city for the reasonable value of that meter or supply wire in the event of destruction by fire or other casualty.

(E) The Superintendent is also empowered at any time, at the expense of the city, to move any light or power meter to the outside of any building, if, in his or her opinion, it will prove beneficial or advantageous to do so.
(1986 Code, § 3-305) Penalty, see § 10.99

§ 53.05 SERVICE INTERRUPTION; LIABILITY DISCLAIMER.

The municipal electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Utilities Superintendent has the power and authority to disconnect or discontinue service for any good and sufficient reason without liability. The municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the municipality has no control; and the municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.
(Neb. RS 17-902) (1986 Code, § 3-309)

§ 53.06 CONNECTIONS.

No person or persons, except an authorized agent of the City Council, shall be allowed to connect or make any changes in the switches, monitors, meters, wire or wiring, or any electrical apparatus of any description where electric current is used, or in any way interfere with or injure the same, or any connection, when the same are connected with the supply wires of the electric distribution system of this city. The city reserves the right to refuse to connect, to cut off, or to disconnect the supply of electric current to any customer without any preliminary notice, where that connection is detrimental to the service furnished, where the customer refuses or neglects to repair or reconstruct any machinery, equipment, or appliance when ordered to do so by the Superintendent or his or her agent, or if that

connection tends to increase the fire hazard or to disturb service furnished other customers or to affect generating equipment or the distribution system in such a way as is prejudicial to providing firm and even power for uninterrupted service.
(1986 Code, § 3-310) Penalty, see § 10.99

§ 53.07 LOAD MANAGEMENT.

(A) It is the policy of the city to mandate participation in load management to lower the rate for electrical service to all citizens within the city.

(B) The Electrical Department of the city is authorized to provide incentive rates or rebates for electrical customers who participate in load management programs approved by the Council.

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

LOAD MANAGEMENT. Electrical customers who have a device installed to regulate power use of electrical air conditioners and heat pumps, meeting eligibility requirements as set forth from time to time by the Electrical Department of the city.

(D) (1) Electrical air conditioners and heat pumps receiving power from the city's electrical supply, which are installed after the effective date of this section, and which meet the criteria set forth in division (C) of this section, shall be fitted with a load management unit at the city's cost.

(2) Any business or individuals who shall install such an air conditioner or heat pump shall contact the city Electrical Department within 10 days of installation to arrange for the fitting of that device with a load management control unit.

(E) The Electrical Department of the city is authorized to develop policies and procedures implementing the intent of this section concerning electrical load management. Upon the approval of such a policy and procedure by the Council, the same shall be binding upon the city and its electrical customers.

(F) Any installed load management control unit that has been disconnected or modified in order to prohibit its intended use will be considered to be deemed a violation of this section.

(G) Any existing load management control unit that is attached to an electrical device that has been sold or replaced must be returned to the city within 5 working days or be reattached to the newly installed unit.

(H) (1) Any electrical customer who has installed any electrical device, as defined in division (C), after the passage of this section shall report all such installations to the Electrical Department within 30 days of the passage of this section.

(2) The retailer selling such a device, hereafter shall provide the following information within 10 days of the sale:

(a) The date of sale;

(b) The type of appliance;

(c) The purchaser's name; and

(d) The purchaser's address.

(Ord. 1044, passed 7-8-2002) Penalty, see § 10.99

COGENERATION

§ 53.20 PURPOSE.

In order to comply with §§ 201 and 210 of the Public Utility Regulatory Policies Act of 1978 and with the rules and regulations of the Federal Energy Regulatory Commission pertaining thereto, the following policies relating to interconnections of the electric system of the municipality with cogeneration and small power production facilities, rates for sales of electric energy to such facilities, and rates for purchases of electric energy from such facilities, are hereby established.
(1986 Code, § 3-319)

§ 53.21 DEFINITIONS.

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

AVOIDED COSTS. The incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from qualifying facilities, the utility would generate itself or purchase from another source.

COGENERATION FACILITY. A facility which produces electric energy and steam or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.

INTERCONNECTION COSTS. The reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent those costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an

equivalent amount of electric energy or capacity from other sources. ***INTERCONNECTION COSTS*** do not include any costs involved in the calculation of avoided costs.

QUALIFYING COGENERATION FACILITY. A cogeneration facility that meets the requirements of the Federal Energy Regulatory Commission regarding ownership, fuel use, and operating and efficiency standards.

QUALIFYING SMALL POWER PRODUCTION FACILITY. A small power production facility that meets the requirements of the Federal Energy Regulatory Commission regarding ownership, fuel use, fuel efficiency, and reliability.

SMALL POWER PRODUCTION FACILITY. A facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof, totaling not greater than 80 megawatts at 1 site.
(1986 Code, § 3-320)

§ 53.22 INTERCONNECTIONS WITH QUALIFYING FACILITIES.

(A) Qualifying facilities desiring to interconnect with the electric system of the municipality shall make application to the Department of Utilities for that interconnection. Applicants shall use those forms as are prescribed by the municipality and shall furnish all information requested.

(B) The municipality shall establish reasonable standards to be met by qualifying facilities to ensure system safety and reliability of interconnected operations. These standards may include but shall not be limited to the following areas: power factor; voltage regulations; fault, overcurrent, and over-under voltage protection; harmonics; synchronization; and isolation.

(C) Interconnection costs associated with the interconnection with a qualifying facility shall be paid for by the qualifying facility. Qualifying facilities shall be required to execute contractual agreements with the municipality before any interconnection is established.
(1986 Code, § 3-321) Penalty, see § 10.99

§ 53.23 RATES FOR SALE OF ELECTRIC ENERGY TO QUALIFYING FACILITIES.

Rates for sales of electric energy to qualifying facilities shall be those current standard rates adopted from time to time by resolution of the Mayor and City Council which apply to other customers of the utility in the same classification(s) of electric service.
(1986 Code, § 3-322)

§ 53.24 RATES FOR PURCHASE OF ELECTRIC ENERGY FROM QUALIFYING FACILITIES.

(A) Rates for purchases of electric energy from qualifying facilities shall be established by resolution of the Mayor and City Council.

(B) The rates shall be just and reasonable to the electric consumer of the utility and in the public interest, shall not discriminate against qualifying cogeneration and small power production facilities, and shall be related to avoided costs; however, in no case is the utility required to pay more than the avoided costs.

(C) Standard rates shall be established for purchases from qualifying facilities with a design capacity of 100 kilowatts or less. Rates for purchases from qualifying facilities with a design capacity over 100 kilowatts may be standard rates or may be by individual contracts, the terms of which are fair and reasonable.
(1986 Code, § 3-323)

ADMINISTRATION AND ENFORCEMENT

§ 53.35 FEES AND COLLECTION.

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 Utilities. Customers shall be billed as provided in § 50.02 of this code.
(Neb. RS 17-810) (1986 Code, § 3-306)

§ 53.36 MINIMUM RATES.

All electrical consumers shall be liable for at least the minimum rate provided by resolution unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again.
(Neb. RS 17-902) (1986 Code, § 3-307)

§ 53.37 SERVICE DEPOSIT FUND.

The service deposit required for electrical service shall be promptly paid upon demand by all customers of the electrical system. From that deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the City Council, which shall keep an account of the deposit funds. These deposit funds shall be deposited in the General Fund of the Municipal Utilities and put out

at interest or expended for repair, maintenance, or purchase of equipment and property for the municipal utility.
(1986 Code, § 3-308)

§ 53.38 BUILDING MOVING; REQUIREMENTS.

Should any house or building moving occur or be necessary and it becomes necessary in that work to remove or disturb any of the property or wires of the municipal electrical system, the same should not be done except upon written permission received from the Utilities 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 system shall be paid out of the deposit made prior to moving, and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the building or house it becomes apparent that additional expense will be incurred, an additional deposit as deemed necessary may be demanded.
(1986 Code, § 3-311) Penalty, see § 10.99

§ 53.39 POSTING SIGNS ON SYSTEM PROPERTY PROHIBITED.

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the municipal electrical system any sign, poster, advertisement, or banner without written permission from the Utilities Superintendent.
(1986 Code, § 3-312) Penalty, see § 10.99

§ 53.40 TRIMMING TREES NEAR LINES; PERMISSION.

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the municipal electrical system shall, before doing that work, give reasonable written notice to the Utilities 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 system, 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.
(1986 Code, § 3-313) Penalty, see § 10.99

§ 53.41 INSPECTIONS; RIGHT OF ENTRY.

The Utilities 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, these inspections may take place at any time.
(Neb. RS 17-902) (1986 Code, § 3-314)

§ 53.42 DESTRUCTION OF SYSTEM 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 municipal electrical system.
(Neb. RS 28-512) (1986 Code, § 3-315) Penalty, see § 10.99

§ 53.43 EXTENSION OF LINES.

(A) The city will at all times make all necessary and required improvements and extensions to its distribution system, which shall include its street lighting units and circuits, necessary to properly and adequately comply with the needs and demands of its inhabitants, pursuant to resolution approved by the Mayor and Council when necessary to furnish customers or applicants for service with sufficient and adequate electrical energy for light, heat, and power.

(B) The city will assume the expense of extending primary overhead or underground line(s) to the length of 1 span; to include overhead mounted transformer(s) and associated hardware. (The Electrical Foreperson and the Utilities Manager will determine the exact length of a span, approximately 150 feet.) Extension beyond 1 span will be at the expense of the customer.

(C) Customers requesting an underground service that requires a pad mounted transformer(s) will pay the difference in cost between the overhead mounted transformer(s) and the pad mounted transformer(s).

(D) All poles, overhead wires, transformers, and other aerial construction, equipment, or apparatus shall hereafter be erected in a substantial manner and shall be placed in the alleys of this city insofar as practicable. All wires shall be erected and maintained at a height as shall interfere as little as possible with other wires or business interests, and all wires shall be placed so as not to interfere with the common, ordinary public travel upon the streets or alleys.
(1986 Code, § 3-316) (Am. Ord. 3-316, passed 11-14-2000)

§ 53.44 POLES AND WIRES.

Poles, wires, and other appurtenances of public service companies shall be erected or located over, upon, or under the streets, alleys, and common grounds or elsewhere within the corporate limits of this city only after application shall have been made to the Mayor and Council and permission in writing shall

have been given so to do. Public service companies heretofore or hereafter granted right-of-way for the erection and maintenance of poles, conduits, and wires and all appurtenances thereof for the purpose of transacting their business upon and over the streets, alleys, and public grounds of the city shall at all times, when requested by the Mayor and Council of the city, erect, locate, or relocate their poles and wires at those places and in the manner as designated by the Mayor and Council of the city; these poles and wires shall be removed or relocated by the companies at their own expense when requested to do so by the Mayor and Council. Whenever it becomes necessary for the Mayor and Council to use the ground where the poles or fixtures are located, they shall notify the company or companies or their agent at the city, and the company or companies shall, within 24 hours after receiving the notice, at their own expense, cause the poles to be removed. The Mayor and Council shall designate some place as close as possible where the poles or fixtures may be reset or placed. All poles and lines shall be erected in such a manner that they will not interfere with the travel through the streets and alleys of the city or with the buildings now erected or which may be hereafter erected. When permitted the pole line shall, when possible, be confined to the alleys, where possible.
(1986 Code, § 3-317) Penalty, see § 10.99

CHAPTER 54: NATURAL GAS SYSTEM

Section

54.01 Department operation
54.02 Meters

Cross-reference:

Gas Department; operation and funding, see § 32.23

§ 54.01 DEPARTMENT OPERATION.

The Municipal Gas Department shall be operated and maintained in accordance with the city's Gas Department Operations and Maintenance Manual.
(1986 Code, § 3-351) (Ord. 3-351, passed 10-25-1999)

§ 54.02 METERS.

(A) All natural gas furnished by the gas distribution system of the city shall be measured by meter, the property of, furnished, and set by the city. No person except an authorized agent of the city shall be allowed to set meters or make connections to the gas service of the distribution system. The city shall furnish all necessary meters upon proper application by the customer 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 be easily examined, read, shut off, or maintenance performed

(B) Any customer shall have the right to request the Utilities Manager to have tested, at the expense of the consumer, a reasonable number of times, his or her current meter when he or she shall have reason to believe it is not registering the true amount of gas; provided, that if the test shows the gas meter to be running 2% or more fast, the expense of the test shall be borne by the municipality. It shall be the duty of the Gas Department to test the meter as requested and any other gas meter which needs to be tested. Should a customer's meter get out of repair or fail to register properly, the customer will be charged for gas during the time when the meter is out of order or repair on the basis of monthly consumption during the same month of the preceding year. If no such basis for comparison exists or if circumstances have been materially altered, then that customer shall pay the amount as reasonably fixed by the Utilities Superintendent.

(C) All meters now in use or hereafter installed in connection with the distribution system of this city shall be and remain the property of the city. When any meter is entirely worn out or for other

reasons a replacement is deemed necessary, a new meter will be furnished and set by and at the expense of the city; provided, in cases where meter repair or replacements are made necessary because of the willful neglect, recklessness, or tampering on the part of any customer, then the city shall require that customer to pay for the installing of a new meter or the making of repairs and collect the cost thereof as for the service rendered or to be rendered in the repairing and replacement of meters.

(D) The applicant or customer specifically consents and agrees to keep all service meters and supply lines insured for the benefit of the city against fire or other casualty, and hereby designates the Superintendent, or his or her agent or attorney in fact, to collect from the insurance carrier, in the event of loss or destruction of the meter or supply lines by fire or other casualty from the proceeds payable to the customer out of any policy of insurance affecting the premises where the meter or supply line is located, the reasonable value of that meter or supply line and deduct that value from payment to be otherwise made under the policy; and provided further, if the customer carries no insurance on the premises or place where the meter is set, the customer hereby consents and agrees to reimburse the city for the reasonable value of the meter or supply line in the event of destruction by fire or other casualty. (Ord. 1052, passed 5-27-2003) Penalty, see § 10.99

CHAPTER 55: GARBAGE, RUBBISH, AND WASTE DISPOSAL

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GENERAL PROVISIONS

§ 55.01 DEFINITIONS.

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

GARBAGE. All putrescible waste, except sewage and body waste, including all vegetable and animal offal, carcasses of dead animals, all household waste resulting from preparation of food, or table refuse or waste, and all accumulation of animal, vegetable, or other matter that attend the preparation, consumption, decay, dealing in, or storage of meats, fish, fowls, vegetable, or other food material; and including all these types of substances from all public and private establishments and from all residents.
(1986 Code, § 4-401)

RUBBISH. All waste of a non-putrescible nature, including all broken crockery, glass, ashes, cinders, shells, bottles, tin cans, leaves, grass, wood chips, paper, pasteboard, magazines, books, rags, discarded carpeting, clothing, boots, shoes, hats, straw, packing material, and other waste materials of a similar nature not included in the definition of "garbage."
(1986 Code, § 4-402)

WASTE. Cinders, ashes, plaster, brick, stone, sand, dirt, bottles, broken glass, crockery, tin cans, scrap metal or tins, old iron, and any other refuse or discarded materials which do not come within the terms "garbage" or "rubbish" as herein above described.
(1986 Code, § 4-403)

DISPOSAL

§ 55.15 GARBAGE TO BE KEPT IN RECEPTACLES.

No person shall keep in or about any dwelling house, building, or premises within the corporate limits of the city any garbage unless the same is kept in receptacles as nearly airtight as possible, or shall throw or sweep into any street, alley, sidewalk, park, or public ground, or upon any vacant lot within the city, any garbage, rubbish, or waste.
(1986 Code, § 4-404) Penalty, see § 10.99

§ 55.16 GARBAGE RECEPTACLES TO BE PROVIDED; USE.

Every householder or occupant of any dwelling house or other building used for the housing of persons, and the owner, keeper, or manager of every hotel, restaurant, store, wholesale business, and retail business, or other places where any garbage accumulates in the city, shall provide 1 or more

suitable garbage can or cans of suitable capacity to meet the respective needs of the occupant, owner, keeper, or manager, which can or cans shall have close fitting lids thereon and equipped with suitable handles. The garbage cans shall be kept in the rear of the premises, in the basement or passageways, but not upon any street, alley, or sidewalk. The can or cans shall not be used for the reception of garbage by more than 1 family, householder, hotel, restaurant, store, wholesale business, or retail business, and all garbage created by or upon the premises occupied by those persons shall be deposited in these garbage cans, which shall be tightly covered at all times. It shall be unlawful to deposit any other materials in these cans except garbage. The garbage shall be removed in the manner and under the regulations hereinafter provided.
(1986 Code, § 4-405) Penalty, see § 10.99

§ 55.17 UNLAWFUL WASTE DISPOSAL.

It shall be the duty of all property owners or tenants occupying any premises within the city to dispose of their rubbish or waste in a manner consistent with the law. It shall be unlawful for any person to permit rubbish or waste to be scattered upon the streets or alleys or the premises of others.
(1986 Code, § 4-406) (Am. Ord. 780, passed 6-11-1990) Penalty, see § 10.99

§ 55.18 DEPOSIT ON PUBLIC WAYS UNLAWFUL.

No person or licensed collector shall spill, drop, or throw any garbage, rubbish, or waste in or upon the streets or alleys in the city.
(1986 Code, § 4-407) Penalty, see § 10.99

§ 55.19 RUBBISH AND WASTE; REMOVAL REQUIRED.

All accumulated rubbish and waste shall be regularly removed by the owner or occupant of the premises where accumulated, or the owner or occupant shall cause that rubbish and waste to be removed by a licensed collector, at least once each month.
(1986 Code, § 4-408) Penalty, see § 10.99

§ 55.20 GARBAGE; REMOVAL REQUIRED.

All accumulated garbage shall be regularly removed by the owner or occupant of the premises where accumulated, at least once each week.
(1986 Code, § 4-409) (Am. Ord. 780, passed 6-11-1990) Penalty, see § 10.99

§ 55.21 GARBAGE; BURIAL PROHIBITED.

It shall be unlawful for any person to bury any material defined as garbage in this chapter.
(1986 Code, § 4-410) Penalty, see § 10.99

GARBAGE AND REFUSE REMOVAL

§ 55.35 AUTHORITY TO REQUIRE.

The Governing Body 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 that 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 that lot or land and streets, roads, or alleys.
(1986 Code, § 4-412) (Ord. 764, passed 10-24-1988)

§ 55.36 NOTICE; 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. The notice shall be provided by personal service or by certified mail. After providing the 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.
(1986 Code, § 4-413) (Ord. 764, passed 10-24-1988)

§ 55.37 IMMEDIATE HAZARD; 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 that lot or land within 48 hours after notice by personal service or following receipt of a certified letter, if the garbage or refuse has not been removed.
(1986 Code, § 4-414) (Ord. 764, passed 10-24-1988)

§ 55.38 LIEN.

Whenever a city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this subchapter, it shall, after a hearing conducted by the Governing Body, assess the cost of the removal against that lot or land.
(1986 Code, § 4-415) (Ord. 764, passed 10-24-1988)

GARBAGE COLLECTION; LICENSED HAULERS

§ 55.50 CERTIFICATION OF CONTRACTED HAULERS REQUIRED.

(A) It shall be unlawful for any person, firm, or corporation to collect and transport garbage or refuse for hire without first obtaining a certification from the City Clerk in accordance with NDEQ Title 132, Integrated Solid Waste Management Regulations.

(B) Prior to certification applicants must contract with the Grand Island Area Landfill or a county permitted solid waste transfer station whose final destination is the Grand Island Area Landfill.
(1986 Code, § 10-1201) (Am. Ord. 780, passed 6-11-1990; Am. Ord. 829, passed 10-25-1993) Penalty, see § 10.99

§ 55.51 VEHICLE.

Any vehicle used by a certified hauler shall have a packer type body designed especially for the transportation of garbage and refuse, and shall display a commercially prepared sign showing the name of the certified hauler in letters not smaller than 4 inches high.
(1986 Code, § 10-1202) (Am. Ord. 829, passed 10-25-1993) Penalty, see § 10.99

§ 55.52 CERTIFICATE OF INSURANCE.

Each certified hauler shall maintain in force and provide the City Clerk with a certificate of insurance showing that the certified hauler has insurance, written by a company or companies authorized to do business in this state, in the following amounts:

(A) Workers' compensation insurance in compliance with the laws of this state, and employer's liability insurance with limits of $25,000;

(B) Comprehensive general liability covering operations of the licensee with limits of not less than $100,000 each occurrence for bodily injury or death; and property damage limits of not less than $40,000 each occurrence and $300,000 aggregate; and

(C) Automobile liability insurance with minimum limits of $100,000 each person and $300,000 each accident for bodily injury or death, and $50,000 each accident for property damage.
(1986 Code, § 10-1204) (Am. Ord. 780, passed 6-11-1990; Am. Ord. 829, passed 10-25-1993) Penalty, see § 10.99

§ 55.53 SALE OF ROUTE.

Nothing contained herein shall be construed to prohibit any certified hauler operating under the provisions hereof from selling his or her garbage or refuse route and his or her equipment to another. The purchaser of the garbage route and equipment must, however, meet the requirements set forth by city certification to engage in the business as herein provided and his or her equipment approved as stated above.
(1986 Code, § 10-1205) (Am. Ord. 829, passed 10-25-1993) Penalty, see § 10.99

§ 55.54 AREA OF SERVICE.

It is the intent of the City Council that residents of the municipality have a choice of certified garbage haulers to provide them with garbage collection services. Certified garbage haulers shall not be restricted to any specific district or area within the municipality.
(1986 Code, § 10-1206) (Am. Ord. 829, passed 10-25-1993)

§ 55.55 CUSTOMER SERVICE.

All garbage licensees shall maintain an office in the municipality with a listed telephone number or an office in another municipality containing a toll-free telephone number to the residents of the city, for the purpose of receiving calls and complaints concerning service.
(1986 Code, § 10-1207) Penalty, see § 10.99

§ 55.56 COLLECTION HOURS.

It shall be unlawful for any collector of garbage or refuse to start the collection therefor in residential districts before 6:00 a.m.
(1986 Code, § 10-1208) Penalty, see § 10.99

§ 55.57 WHEN GARBAGE HAULER NOT REQUIRED.

The provisions of this subchapter shall not be construed to prevent a person from collecting and transporting his or her own garbage, refuse, and waste materials in his or her own vehicle from the residence in which he or she lives, and any person can collect and transport his or her own garbage, refuse, and waste materials from his or her own business or commercial property, to a county permitted solid waste transfer station whose final destination is the Grand Island Area Landfill; provided, that the wagon, truck, automobile, or other vehicle used in the transportation of those garbage, refuse, and waste materials is completely covered or the material hauled thereon securely fastened so as to prevent the garbage, refuse, and waste materials from being blown away or jarred off the vehicle.
(1986 Code, § 10-1209) (Am. Ord. 780, passed 6-11-1990; Am. Ord. 829, passed 10-25-1993) Penalty, see § 10.99