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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

The city currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The city has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system. The City Council is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. All such rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes or rent shall be on file in the office of the city clerk for public inspection. (Neb. Rev. Stat. §17-538) (Ord. No. 638, 2/14/12)

SECTION 7-102: NEW ACCOUNTS; DEPOSITS

A. Applicants for any or all utility services provided by the city shall be required to make a deposit prior to connection of utility services in an amount established from time to time by the City Council. When the applicant ceases to require utility services, said deposit shall be refunded to said applicant less any delinquent charges due to the city from the applicant for said utility services.

B. The deposit amount for a residential customer is set by resolution and on file at the city office. A non-residential customer's deposit amount will be the sum of the two highest utility bills over the last 12 active months, with a minimum deposit as set by resolution and on file at the city office for a non-residential customer unless he or she has already placed a deposit on record. A customer who has a current account with the city which is in good standing may not be required to pay a deposit.

C. The deposit will be returned after two years if the account has been paid in full and on time. If the customer moves before the second year is achieved, the deposit will be returned after final bill has been paid in full.

D. A new customer may not obtain utility services to any premises where there are outstanding current and/or delinquent utility charges on such premises until all the current and delinquent utility charges on the premises have been paid in full, including any disconnect fees incurred on the premises.

(Continued)

E. A customer who has obtained utility services in the city and who has incurred

current and/or delinquent utility or trash charges may not obtain utility services at a new location in the city until said customer has paid in full all current and delinquent utility charges of the city incurred by him or her, along with any disconnect fees incurred.

(Ord. No. 370, 03/01/94) (Am. 06/12/07) (Ord. No. 627, 11/09/10)

SECTION 7-103: DENIAL OF UTILITY SERVICE; WHEN PROHIBITED

No applicant for the services of a public or private utility company furnishing water or electricity at retail in this city shall be denied service because of unpaid bills for similar service which are not collectable at law because of statutes of limitations or discharge in bankruptcy proceedings. (Neb. Rev. Stat. §70-1601) (Ord. No. 532, 05/04/99)

SECTION 7-104: BILLING AND COLLECTIONS; DELINQUENCY; DISCONNECT AND RECONNECT FEES

A. The city superintendent shall read or cause to be read utility meters monthly on or around the 15th day of the month. Charges for water, sewer, electricity, and trash shall be billed jointly on a monthly basis and shall be due and payable monthly at the office of the city clerk.

B. It shall be the duty of customers of the Utilities Department to pay their bills monthly by mail or in person at the city office. Utility and trash bills shall be due and payable on the 15th day of each month and shall be deemed delinquent if not paid on or by the 15th day of each month. Upon being deemed to be delinquent as herein defined, the city has the right to discontinue the appropriate service. The city clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the City Council to order the city superintendent to cut off service at any time following due notice and opportunity for hearing pursuant to the provisions of Section 7-105 herein. Once discontinued, service shall not be reinstated except upon payment in full for all utility charges that are due, and further, upon payment of a reconnect fee as established by resolution of the City Council, on file in the office of the city clerk.

C. The city clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the city superintendent on June 1 of each year to report to the City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law.

(Neb. Rev. Stat. §17-538, 17-542, 17-925.01, 18-416, 18-503) (Ord. Nos. 627, 11/9/10; 638, 2/14/12)

SECTION 7-105: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. No public or private utility company, other than a municipal utility owned and operated by a city, furnishing water or electricity at retail in this state shall discontinue service to any domestic subscriber for nonpayment of any past due account unless the utility company first gives notice by first class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days.

B. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the city regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the city may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or a resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility service to that household. Such certificate shall be filed with the city within five days of receiving notice under this section and will prevent the disconnection of the utility service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the city for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are clients of HHS may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

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

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

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

(Neb. Rev. Stat. §70-1605, 70-1606) (Am. by Ord. Nos. 371, 03/01/1994; 475, 06/03/97)

SECTION 7-106: LIEN

If a customer shall, for any reason, order the service discontinued or shall vacate the premises, the amount due, together with any fees and charges in arrears, shall be considered as a delinquent sewer rental, which is hereby declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied. Upon the refusal of the customer to pay the said delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection.

(Ord. No. 627, 11/9/10) (Am. by Ord. No. 638, 2/14/12)

SECTION 7-107: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or any pipe or conduit supplying water, without the knowledge and consent of the city, in such manner that the same will not pass through the meter or while passing through the meter causes it to register inaccurately, or any person who connects any pipe or conduit supplying water so that water may be consumed without passing through the meter provided for measuring or registering the amount passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, or water obtained in the above-mentioned unauthorized ways shall be deemed guilty of an offense.

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

C. When electrical or water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615 or Section 7-105 of this code, any person who reconnects such service without the knowledge and consent of the city shall be deemed

guilty of an offense.

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

(Neb. Rev. Stat. §25-21,275 through 25-21,278, 28-515.02) (Ord. No. 433, 12/05/95)

SECTION 7-108: DIVERSION OF SERVICES; PENALTY

A. The city may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts bypassing, tampering or unauthorized metering when such act results in damages to a city utility. The city 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.

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

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the city 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 attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. 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 such bypassing, tampering or unauthorized metering if the tenant or occupant (1) 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 (2) 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.

E. 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 such 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.

F. The remedies provided by this section shall be deemed to be supplemental

and additional to powers conferred by existing laws, and 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. Rev. Stat. §25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

SECTION 7-202: DEFINITIONS

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

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the city.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, curb stop or meter pit at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, curb stop or meter pit is located.

SECTION 7-203: MANDATORY HOOKUP

A. The city through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons within the corporate limits shall be required, upon notice by the City Council, to hook up with the municipal water system. Each building hereafter erected shall be connected with the water system at the time of its erection.

B. The city 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; provided, the entire cost of pipe and other installation charges shall be paid by such consumers.
(Neb. Rev. Stat. §17-537, 17-539)

SECTION 7-204: SERVICE TO NON-RESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the city to provide water service to non-residents.
(Neb. Rev. Stat. §17-537, 19-2701)

SECTION 7-205: WATER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and water rates set forth in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use or consumption of water service by present customers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the city, to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the city superintendent or his or her agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of said superintendent or his or her agent.

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

SECTION 7-206: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)
(Ord. No. 292, 5/3/88)

SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE; METERS

A. The expense of providing water service up to the property line and including the meter, the curb stop or meter pit and meter fittings shall be paid by the city. The consumer shall then pay the cost of installation from the property line to the place of dispersement. The consumer shall be required to pay a tap fee as set by resolution and on file at the city office for a 1 inch service. Fees for other sizes shall be determined by the city superintendent and the City Council.

B. All municipal water use shall be metered as provided in this article.
(Neb. Rev. Stat. §17-542) (Am. by Ord. No. 452, 9/10/96)

SECTION 7-208: INSTALLATION OR REPAIR PROCEDURE

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

B. All installations or repairs of pipes require two inspections by the city superintendent: (A) when connections or repairs are completed and before the pipes are covered and (B) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the City Council. (Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-209: WATER RATES

A. The City Council has the power and authority to fix the rates to be paid by water consumers for the use of water from the Water Department. All such rates shall be on file for public inspection at the office of the city clerk. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall, by written order, direct the city superintendent to shut off the water at the shut-off, stop box, curb stop or meter pit, in which case he or she shall not be liable thereafter for water rental until the water is turned on again.

B. The rates shall be based on meter size and monthly consumer water consumption. Accounts outside the city limits shall be assessed an additional 15% surcharge on the monthly customer service charge.

C. The selling of bulk water is no longer available.
(Neb. Rev. Stat. §17-540, 17-542)

SECTION 7-210: BILLING AND COLLECTIONS

The city clerk shall bill the consumers and collect all money received by the city on the account of the Water Department and shall faithfully account for and pay to the city treasurer all revenue collected. Billing, collection, delinquency and termination procedures are set forth in Sections 7-104 and 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-211: REPAIRS; METERS

A. The city shall repair or replace, as the case may be, all supply pipes between the municipal main and the property line, including the water meter. The customer at his or her own expense shall replace and keep in repair all service pipes from the property line to place of dispersement. When leaks occur in service pipes, the city superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent.

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

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

D. Should a customer's meter fail to register properly, he or she 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, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the city superintendent.

(Neb. Rev. Stat. §17-542)

SECTION 7-212: RIGHT OF ENTRY FOR INSPECTION

The city superintendent or his or her duly authorized agent shall have free access between the hours of 7:00 a.m. and 6:00 p.m. 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. Rev. Stat. §17-537)

SECTION 7-213: SINGLE PREMISES

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

SECTION 7-214: DESTRUCTION OF PROPERTY

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

SECTION 7-215: FIRE HYDRANTS

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

SECTION 7-216: POLLUTION

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

SECTION 7-217: RESTRICTED USE

A. The city reserves the right to suspend the use of water for fountains, for sprinkling yards, lawns and gardens or for any other purpose whenever the opinion of the mayor and public exigency may require it. The mayor is authorized and empowered to declare the existence of any emergency relating to the available water supply of the city water system and to impose restrictions on the use of water during such emergency. Whenever the mayor shall determine that the remaining available water supply is critically low from whatever cause, he or she may declare the existence of an emergency and impose reasonable restrictions on the use of such water. It shall be unlawful for any person to fail to observe any such restriction so imposed by the mayor, provided

public announcement of such restriction has been made.

B. The city may turn off the water supplied to the premises of any person who, after having been notified of the imposition of such emergency restrictions on the use of water, disregards such restrictions, and such supply of water shall not again be turned on until the cost for turning the water off and turning the water on has been paid to the city.

(Neb. Rev. Stat. §17-537) (Ord. No. 647, 4/9/13)

SECTION 7-218: BACKFLOW PREVENTION DEVICES; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

A. A customer of the Water Department may be required by the city superintendent to install and maintain a properly located backflow prevention device at his or her expense appropriate to the potential hazards set forth in Nebraska Department of Health Title 179, Public Water Systems, and approved by the city superintendent.

B. The customer shall make application to the city superintendent to install a required backflow prevention device on a form provided by the city. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed including brand and model number. The city superintendent shall approve or disapprove the application based on his or her opinion of whether such installation will protect the city water distribution system from potential backflow and backsiphonage hazards.

C. The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a plumber licensed by the city, if applicable.

D. Such customer shall also certify to the city at least one time every five years that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI certified water operator, if the device is equipped with a test port. Such certification shall be made on a form available at the office of the city clerk.

E. All customers of the Water Department shall be required to report to the city superintendent at least every five years any potential cross-connections which may be on their premises.

F. Any decision of the city superintendent may be appealed to the City Council.
(Am. by Ord. No. 578, 1/7/03)

SECTION 7-219: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES; WELLHEAD PROTECTION AREAS

A. "Wellhead protection area" means the surface and subsurface area surround-

ing a water well or well field supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field,

B. The City Council has designated a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of this amended wellhead protection area are: W 1/2 of Section 33, SE 1/4 Section 33 and SW 1/4 of Section 28, Township 5 North, Range 10 West of the 6th P.M., Adams County; all of Section 4, SW 1/4 of Section 3, W 1/2 of the NW 1/4 Section 3, NE 1/4 of Section 9, E 1/2 of the NW 1/4 Section 9, E 1/2 SE 1/4 of Section 9, all of Section 10 and all of Section 15, Township 4 North, Range 10 West of the 6th P.M., Webster County.

C. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts or events within the specified footage of any city public water supply well. The following facilities, acts or events shall be defined as nuisances for purposes of this subsection:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Ord. No. 583, 6/8/04) (Am. by Ord. No. 621, 6/9/09)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The city owns and operates the sewer system through the city superintendent. The City Council, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water and sewer maintenance fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system. The city superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of the. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the City Council. (Neb. Rev. Stat. §17-149, 17-925.01) (Am. by Ord. No. 638, 2012)

SECTION 7-302: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

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

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

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

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

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

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

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

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

"Sewer commissioner" shall mean the superintendent of the city sewage system or his or her authorized deputy, agent or representative.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

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

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

C. Except as hereinafter provided in Section 7-319, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage.

SECTION 7-304: MANDATORY HOOKUP

The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city 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 city is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of said property line. (Neb. Rev. Stat. §17-149, 17-149.01)

SECTION 7-305: SERVICE TO NON-RESIDENTS

The department shall not supply sewer service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of pipe

and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to non-residents. (Neb. Rev. Stat. §17-149, 19-2701)

SECTION 7-306: CONSUMER'S APPLICATION FOR PERMIT; CLASSIFICATION; DEPOSIT

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city superintendent. Sewer service may not be supplied to any house or building except upon the order of the superintendent. (Neb. Rev. Stat. §17-149, 19-2701)

B. There shall be classes of building sewer permits as established by the City Council from time to time. In any case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A tap fee as set by the City Council and filed at the city office shall be paid to the city at the time the application is filed. (Neb. Rev. Stat. §70-1601) (Am. by Ord. No. 451, 9/10/96)

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

A. The city 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.

B. The rules, regulations, and sewer rental rates hereinafter named in this section 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.

C. 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 city to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulation that the City Council may hereafter adopt, the city superintendent or his or her agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of the superintendent or his or her agent.

D. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the city superintendent, who shall cause the water service to be shut off at the said premises. If the customer should fail to give notice, he or she

shall be charged for sewer service monthly until the official in charge of sewers is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

SECTION 7-307: INSTALLATION; CONSTRUCTION CODES

All installation and repair of any part of the sewerage system shall be done under the supervision of the city superintendent and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION EXPENSE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may indirectly or indirectly be occasioned by the installation of building sewer. (Neb. Rev. Stat. §18-503)

SECTION 7-309: INSTALLATION PROCEDURE; PERMIT

A. The customer shall be responsible for installing the sewer lines from the sewer main to his or her premises.

B. 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 city superintendent.

C. 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.

D. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the city superintendent shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property.

E. 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.

F. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the city superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the City Council.

(Neb. Rev. Stat. §18-503)

SECTION 7-310: USE OF EXISTING SEWERS

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

SECTION 7-311: DIRECT CONNECTION

Each and every dwelling must make a direct connection with the main sewer line. Under no circumstances will two or more dwellings be allowed to make such connections through one pipe. Where one 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 one building sewer but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. (Neb. Rev. Stat. §18-503)

SECTION 7-312: FEE STRUCTURE; CLASSIFICATION

For the purpose of setting rental fees, the City Council may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Neb. Rev. Stat. §17-925.02)

SECTION 7-313: SEWER RATES

For the purpose of paying the costs of maintenance and operation of the sanitary sewer system, there shall be established, fixed, and imposed upon the users of said system rates and charges for sewer service as set by the City Council. All sewer customers shall be liable for the established rate. All such rates shall be on file for public inspection at the office of the city clerk.

A. The sewer use fee for each customer shall be based upon the winter quarterly water usage from normal monthly utility and trash billing periods of meter reading dates on or around November 15 through on or around the following February 15, updated yearly following the February reading.

B. In no case shall the monthly customer service charge for sewer service based upon the adopted schedule of rates on a monthly basis as above stated be less than the amounts stated for each class. No discounts will be allowed.

C. A basic minimum move-in rate of 4,167 gallons shall be paid by any consumer who has moved into any of the user classes until winter quarterly water usage can be established, or any consumer whose status is inactive during the winter months.

D. A charge shall be levied to each property served by the sanitary sewer and shall be included with the statement for water and electric service. In the event that a property receives sewer service but does not receive water service, the charge for sewer service shall be the Class #1 sewer charge times the number of sewer connections of that user.

E. Where a customer has multiple sewer connections to the city main but only one water meter, the sewer charge shall be the sum of the class multiplied by the number of sewer connections to the city main plus the unit charge for all water usage.

F. Accounts outside the city limits shall be assessed an additional 15% surcharge on the monthly customer service charge.

G. Each user charged for sewer service shall pay to the city clerk the amount due for sewer use. The clerk is authorized and directed to render statements for said sewer service each month in the same manner and at the same time as statements to the city water and electric users.

H. The mayor and council shall have the power, by resolution, to establish fair and reasonable special assessments to the sewer users to apply only in special cases which are not covered by the schedule of rates adopted in this article.

I. If the user shall neglect or refuse to pay his or her bill in accordance with billing procedures set forth herein, the City shall have the right to discontinue service, following due notice and opportunity for hearing as provided in Section 7-105.

J. If a customer shall for any reason order the service discontinued or shall vacate the premises, the amount due, together with any fees and charges in arrears, shall be considered a delinquent sewer rent, which is hereby declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied. Upon refusal of the customer to pay the said delinquent sewer rent, it shall be collected by being placed upon the assessment roll and tax books for collection.

(Am. by Ord. Nos. 309, 1/10/89; 351, 8/4/92; 628, 11/9/10; 638, 2/14/12; 652, 4/17/14; 722, 7/13/21)

SECTION 7-314: BILLING AND COLLECTIONS

The city clerk shall bill the consumers and collect all money received by the city on the account of the Sewer Department and shall faithfully account for and pay to the city treasurer all revenue collected. Billing, collection, delinquency and termination procedures are set forth in Sections 7-104 and 7-105. (Neb. Rev. Stat. §17-540)

SECTION 7-315: INSPECTIONS

The city superintendent shall have free access at any reasonable time to all parts of each premises and building connected to the sewer system to ascertain whether there is any disrepair or violation of this article therein. The failure of the owner or occupant of any premises or building to permit such access shall be deemed a violation of the contract between the user and the city which will subject the premises or building involved to termination of service.

SECTION 7-316: REPAIR AND REPLACEMENT

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

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

(Neb. Rev. Stat. §18-1748)

SECTION 7-317: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 7-318: DESTRUCTION OF PROPERTY

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.

SECTION 7-319: PRIVATE SEWAGE DISPOSAL; PERMIT; FEE

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

B. Before commencement of construction of a private sewage disposal system,

the owner shall first obtain a written permit signed by the city superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the superintendent. A permit and inspection fee of \$25 shall be paid to the city at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the city 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 72 hours of the receipt of notice by the superintendent.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 90 days and the private sewage system shall be abandoned in accordance with Title 124 as provided in subsection (D).

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

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

H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SECTION 7-320: DISCHARGE OF STORM WATER AND OTHER UNPOLLUTED WATERS

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

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a

natural outlet approved by the city superintendent. Industrial cooling water or unpolluted process water may be discharged to a storm sewer, combined sewer, or natural outlet on approval of the superintendent. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs. The costs shall be determined by the superintendent.

SECTION 7-321: HAZARDOUS DISCHARGES; PRETREATMENT

Specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 CFR, Part 403.

Article 4 – Electric Department

SECTION 7-401: OWNERSHIP

A. The city owns and operates the Electric Department through the city superintendent. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the electrical fund and shall remain in the custody of the city treasurer. The city superintendent shall have the direct management and control of the Electric Department and shall faithfully carry out the duties of the office. He or she shall have the authority to adopt rules and regulations for the safe and efficient management of the department, subject to the supervision and review of the City Council. The council shall by resolution set the rates to be charged for services rendered and shall file the same in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §17-901, 17-902 through 17-904, 17-906, 17-909, 19-1401)

SECTION 7-402: CONSUMER'S CONTRACT; NOT TRANSFERABLE

A. The city shall furnish electric current for light, heating, cooking and power purposes to persons whose premises abut on any supply wire of the distribution system of the city and may furnish electric current to such other persons within the city's service area. The rules, regulations and rates for electric service hereinafter named shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract with every person, company or corporation who is supplied with electric service through the electric distribution system of the city. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the city, to which both parties are bound.

B. Whenever any of such rules and regulations or such other rules or regulations the City Council may hereafter adopt are violated, the electric current shall be cut off from the building or place of such violation and shall not be turned on again except by order of the city superintendent or his or her agent.

C. Contracts for electric service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the city superintendent, who shall cause the electric service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for electricity monthly.
(Neb. Rev. Stat. §17-901, 17-902, 19-2701)

SECTION 7-403: CONSUMER'S APPLICATION; DEPOSIT

A. Every person desiring a supply of electric current must make application therefor upon a form to be furnished by the city clerk. Any applicant may be required to make a service deposit in such amount as has been set by the City Council and filed at the office of the city clerk. Electricity may not be supplied to any house or building except upon the written order of the city superintendent. Electric service shall not be supplied to any person outside the city's service area.

B. The service deposit required for electrical service shall be promptly paid upon demand by all customers of the electrical system.

(Neb. Rev. Stat. §17-902, 19-2701) (Ord. No. 370, 03/01/1994)

SECTION 7-404: INSTALLATION EXPENSE

The expense of installation and equipment up to the property line, including the electric meter and socket, shall be paid by the city. The character of residential service shall be 120/240 volt single phase 200 amp service; the character of non-residential service shall be 120/240 volt single- or three-phase if available, 200 amp service; and the character for industrial service shall be 120/240/480 volt single- or three-phase if available. (Exception: any service that requires non-standard voltage or equipment will be charged the difference between the current costs of the above mentioned and what is being requested.) Underground or overhead primary service at the city's option may be made available whereby the city's primary cable will extend into a municipal transformer or transformers at a consumer's location. Such primary service cable shall be installed, owned and maintained by the city on consumer property, provided that prior easement for the cable route has been granted the city by the consumer. The expense of installation and wiring from the property line to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expenses shall be apportioned in the same manner. (Neb. Rev. Stat. §17-902)

SECTION 7-405: METER INSTALLATION; DEPOSIT

All meters required for measuring electricity used by the applicant or consumer shall be furnished and installed by the city and all meters so furnished shall remain the property of the city. A meter deposit in an amount set by resolution of the City Council from time to time shall be paid to the city by the applicant or consumer when he or she makes application for service. Meter deposits shall be refunded to the consumer upon termination of service by the consumer, provided that all charges for electric power furnished have been fully paid. If all of said charges due the city are not paid, the amount so owed shall be appropriated from said deposit and the remainder returned to the consumer. In the event that the consumer is indebted to the city in an amount greater than the deposit, then the entire deposit shall be appropriated and the remainder shall be recovered by civil action.

SECTION 7-406: METERS; REGULATIONS

A. Any meter approved by the City Council may be used by consumers of the electric power distribution system. All meters shall be installed by the city superintendent or his or her duly authorized agents and all electric current shall be furnished through and measured by meter.

B. Meters shall be set so that the dial or face of the meter shall be easily accessible to the city superintendent or his or her duly authorized agents when reading or testing the same. All meters shall be sealed and no person shall deface, injure or break any of said seals unless authorized to do so by the superintendent.

C. In the event that any customer's meter falls out of repair or fails to register properly, the city superintendent shall charge such customer the same amount billed one year previous to such disrepair. In the event that there is no such basis for comparison, the superintendent shall charge the customer such amount as he or she deems fair both to the customer and to the city.

D. The owner or tenant of any premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by the authorized agent of the city. The city superintendent may have any meter tested to determine if it is registering the true amount of current at any time at expense. Any consumer of current from the electrical system may request to have his or her electric meter tested by the city, which test shall be conducted within 20 days of the request. If the test of the meter discloses that it is registering 2% or more fast, the expense of the test shall be borne by the city; but if the test of the meter discloses that it is registering less than 2% fast, the consumer shall be billed the reasonable expense of making such test.

SECTION 7-407: METERS; WHEN READ

All electrical meters within and without the city shall be read each month during which electrical service is used. All electric meters shall be read by the city superintendent or his or her duly authorized agents. Accounts between consumer and city shall be kept by the city clerk and shall be filed in the city office. A consumer's ledger shall be kept current, with a separate account for each consumer.

SECTION 7-408: ELECTRICITY RATES

All electrical consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the city 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. Rev. Stat. §17-902)

SECTION 7-409: BILLING AND COLLECTIONS

The city clerk shall bill the consumers and collect all money received by the city on the account of the Electric Department and shall faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-104 and 7-105.

SECTION 7-410: SERVICE; LIABILITY FOR DAMAGE; CITY'S RIGHT TO DISCONNECT

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

SECTION 7-411: LOAD CONTROL DEVICES; INSTALLATION

The city shall install electrical load control devices within the municipal electric system as deemed necessary to control the electrical demand load of the system. The expense of the installation and the load control equipment shall be paid by the city. (Ord. No. 420, 04/04/95)

SECTION 7-412: TRIMMING TREES NEAR LINES OF DISTRIBUTION SYSTEM; NOTICE REQUIRED

Any person desiring to cut or remove trees or branches thereof or to fell same in close proximity to the lines of the electric distribution system of the city and which said work might cause injury or damage to the lines thereof shall first give proper notice and receive permission in writing from the city superintendent to do so. Said person shall follow any and all rules and regulations which he or she may prescribe for doing such work.

SECTION 7-413: OVERHANGING BRANCHES; CITY'S RIGHT TO REMOVE

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

SECTION 7-414: INSPECTIONS

The city 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, in the event of an emergency, such inspections may take place at any time.

SECTION 7-415: DESTRUCTION OF PROPERTY

No person shall willfully or carelessly break, injure or deface, interfere with or disturb any building, machinery, apparatus, insulator, transformer, fixture, attachment, appurtenance, electrolier, pole, suspension lights or light globes in the street lighting system, electric light plant or of the distribution system of the city. (Neb. Rev. Stat. §28-512)

SECTION 7-416: BUILDING MOVING

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the city electric system, the same should not be done except upon the written permission received from the city superintendent, who shall then order paid in advance the actual cost of moving said wires. Such cost shall be paid by the applicant prior to the moving of the building or house. All expenses of removing, changing, and replacing the said wires or apparatus of the electrical system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant, provided that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. See Section 9-301(D).

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

The following definitions shall apply in interpretation and enforcement of this article.

"Garbage" means any animal, fruit, vegetable, or kitchen refuse or other material that will or may decompose and become offensive or dangerous to health, not including dead animals or manure.

"Trash" means wooden or cardboard boxes, chips or pieces of wood, bottles, broken glass, crockery, tin cans, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the city, except that used or discarded furniture or appliances, yard waste and garden waste are not included within the meaning of the word "trash."

"Waste" means cinders or ashes (when cool to the touch), broken plaster, brick, stone, sawdust, paper, plastic, glass, broken glass or metal.

"Yard waste" means leaves, grass clippings, sticks, branches and tree limbs.

SECTION 7-502: RESIDENT'S RESPONSIBILITY

It shall be unlawful for any person to keep garbage, trash or waste of any kind that may be injurious to the public health or offensive to the residents of the city in, on, or about any dwelling, building, or premises or any other place in the city unless the same is kept in approved receptacles awaiting collection and disposal. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, yard waste, garbage, trash or waste of any kind. No person may permit yard waste, garbage, trash or waste to accumulate and all persons shall properly dispose of the same within 24 hours after notification from the mayor, who shall represent the Board of Health. (Neb. Rev. Stat. §19-2106)

SECTION 7-503: COLLECTION BY CONTRACTOR

A. All residents of the city shall have their garbage, trash and waste collected by the disposal collection company ("contractor") with which the city contracts for service. Said agreement shall be approved by the mayor and City Council and shall set forth the obligations of the parties thereto. Collection fees as set forth in said agreement shall be assessed with the residents' monthly utility bills as provided in Section 7-104 herein. (Ord. No. 339, 7/2/91)

B. The contractor shall collect, remove, and dispose of all non-hazardous refuse, rubbish, garbage and junk once per week, except yard waste, lead acid batteries, waste oil, tires, and appliances, from all residences, churches, and government and

commercial buildings within the corporate limits of the city. Said contractor shall provide the solid waste containers, which shall be name brand, 96-gallon-capacity receptacles. If a holiday occurs on a weekday, then the collection ordinarily made on that day by the contractor shall be made on the preceding or next succeeding day. Contractor shall file with the city clerk a schedule of collection routes and days of collection for each route.

C. Contractor shall empty all receptacles placed curbside in the residential district. Special assignment for placement of receptacles for businesses and institutions shall be determined by negotiation between the city and contractor. In cases of overflow, residents may bag the excess refuse, rubbish, garbage and junk and place it beside the container. In the event of overflow on a regular basis, the resident shall be asked to obtain a second 96-gallon toter at his or her cost.

(Neb. Rev. Stat. §19-2106)

SECTION 7-504: LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL

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

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

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

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

(Neb. Rev. Stat. §13-2020) (Ord. No. 531, 5/4/99)

SECTION 7-505: DEAD ANIMALS

Any dead animal shall be immediately removed and buried by the owner of such animal. Dead animals shall not be buried within the corporate limits of the city nor within one mile thereof nor in or above the course of ground water that is used for drinking purposes by the city or its inhabitants. (Neb. Rev. Stat. §17-114, 17-123)

SECTION 7-506: GARBAGE AND REFUSE; NUISANCE; NOTICE; REMOVAL; LIEN

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

B. Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads, or alleys.

C. If the mayor declares that the accumulation of such 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 such lot or land within 24 hours after notice by personal service or following receipt of a certified letter in accordance with subsection (B) if such garbage or refuse has not been removed.

D. Whenever the city removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this article, it shall, after a hearing conducted by the City Council, assess the cost of the removal against such lot or land.
(Neb. Rev. Stat. §15-268.01) (Ord. No. 297, 9/6/88)

SECTION 7-507: ADDITIONAL REGULATIONS

The City Council may from time to time make and adopt by ordinance such additional rules and regulations governing the use, operations, and control of the solid waste collection and disposal system and the regulation of solid waste within the city's solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety, and welfare of all persons within the jurisdiction area. (Neb. Rev. Stat. §13-2020, 13-2023, 13-2026)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

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