

## **CHAPTER VI – PUBLIC UTILITIES**

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### **CHAPTER VI – PUBLIC UTILITIES**

#### **ARTICLE I – UTILITIES GENERALLY**

##### **SECTION 6-101: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE**

1. Before any termination, the City shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. In the event that water service is to be terminated at an apartment house or multiple-family dwelling, a notice of disconnection of service shall be posted at the main entrance of the dwelling 24 hours prior to the proposed disconnection. Service shall not be discontinued for at least seven days, weekends and holidays excluded. As to a subscriber who has previously been identified to the City as a recipient of assistance by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services.

2. The notice shall contain the following information:

- A. The reason for the proposed disconnection;
- B. 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;
- C. The time and date upon which service will be disconnected if the domestic

subscriber does not take appropriate action;

- D. The name, address and telephone number and business hours of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
- E. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- F. A statement that the City may not disconnect service pending the conclusion of the conference;
- G. 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 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 utility services to that household. Such certificate shall be filed with the city clerk within five days of receiving notice under this section and will prevent the disconnection of the utilities for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;
- H. The cost to be borne by the domestic subscriber for restoration of service;
- I. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
- J. A statement to the effect that a domestic subscriber who is a client of Social Services may qualify for assistance in payment of his/her utility bill and that such subscriber should contact his/her caseworker in that regard; and
- K. Any additional information not inconsistent with this section which has received prior approval from the City Council.

3. 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.

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

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

(Ref. Neb. Rev. Stat. §7-1605 et seq.)

## **SECTION 6-102: LIEN**

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility services furnished, such amount due, together with any 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 used. The city clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility rent. It shall be

the duty of the city clerk to compile a list of all unpaid accounts due for utilities, together with a description of the premises upon which the same were used, and report the same at the regular monthly meeting of the City Council. If approved by the City Council, said unpaid accounts shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law.

### **SECTION 6-103: DENIAL OF UTILITY SERVICES; WHEN PROHIBITED**

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

### **SECTION 6-104: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE**

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

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

3. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 6-101 of this Code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

4. Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Ref. Neb. Rev. Stat. §86-329 through 86-331)

### **SECTION 6-105: DIVERSION OF SERVICES; PENALTY**

1. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (A) bypassing, (B) tampering or (C) 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.

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

- A. The amount of actual damage or loss if the amount is susceptible to reasonable calculation; or
- B. Liquidated damages or \$750.00 if the amount is not susceptible to reasonable calculation.

3. In addition to damage or loss under subdivision (2)(A) or (B) of this section, 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 fees in cases within the scope of Neb. Rev. Stat. §25-1801.

4. 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 (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.

5. 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.

6. 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.

(Ref. Neb. Rev. Stat. §86-331.01 through 86-331.04)

## **ARTICLE II – WATER DEPARTMENT**

### **SECTION 6-201: OPERATION AND FUNDING**

The City owns and operates the Water Department through an operations and maintenance agreement with PeopleService, Inc. The City Council, for the purpose of defraying the cost, management and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the city treasurer. The Council shall by ordinance set the rates to be charged. A copy of the rates shall be filed in the office of the city clerk for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. §17-531, 17-534, 19-1305)

### **SECTION 6-202: TERMS DEFINED**

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

"City" shall mean the City of Valley, Nebraska, and the term "municipal" shall refer to the same.

"Consumer" and "customer" shall have the same meaning and are equivalent terms.

"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 any premises and dispersing the same in the City.

"Separate premises" is hereby defined to mean that only one consumer shall procure water from the same service or supply pipe. Any other property using the same service or supply pipe is to be considered a separate premises for billing and installation of a

separate water meter.

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

"Supply pipe" 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 or curb cock is located.

### **SECTION 6-203: CONSUMER'S APPLICATION; SERVICE DEPOSIT**

1. Every person desiring a supply of water must make application upon a form obtained from the city clerk. A new applicant shall be required to accompany his or her application with a service deposit which shall be set from time to time by resolution of the City Council and which is addressed more thoroughly in Section 6-210.

2. An existing consumer with an account in good standing may transfer his or her water service to a new address upon completion of a new application and a new contract without any additional fee. As used in this Article 6, an "account in good standing" shall mean that a consumer has, for a period of at least one year, made all payments due to the Water Department on or before the due date.

3. An existing consumer with an account not in good standing may transfer his or her water service to a new address upon completion of a new application, a new contract and the payment of a new service deposit. As used in this Article 6, an "account not in good standing" shall mean that a consumer has been delinquent on one or more payments due to the Water Department within the previous one-year period.

4. 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 City to provide water service to non-residents.

(Am. Ord. No. 745, 1/12/21)

### **SECTION 6-204: WATER CONTRACT; CONDITIONS**

1. The City shall, through its water system, furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The City may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid, and may also furnish water to persons whose premises are situated outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so.

2. The rules, regulations and water rates named in this article shall be considered a part of every application made for water service hereafter 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 of water by any current consumer and the furnishing of water service to said consumer by the City shall constitute a contract between the consumer and the City, to which both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the City may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made except by order of the City. (Ref. Neb. Rev. Stat. §17-537)

3. The City shall consider all requests for connections and extensions to its water system. If approved, the City, and its city engineer, shall design, bid, construct, and operate/maintain the connection and extension mains. The City shall determine the sizing, capacity, and routing of all connections and extensions.

4. The City may extend its water system into unserved areas in accordance with all available statutory procedures, including the establishment of water extension districts. The City shall levy special assessments for the cost of said extensions upon property specially benefited by such water extension.

5. The City may extend its water system into unserved areas to serve new subdivisions and developments in accordance with its Water Main Extension and Pioneering Policy.

6. The City shall charge persons or property for connecting to the city water system and/or for the monthly use of water from the system. The connection fees and charges and the monthly use fees shall consist of the following:

- A. Installation expense – water connection processing and inspection fee.
- B. Water treatment capital facilities charge.
- C. Special water main extension fee, if applicable.
- D. Monthly water usage fees.
- E. Water service deposit fee.

(Am. by Ord. 572, 12/9/08)

## **SECTION 6-205: WATER CONTRACT; TERMINATION**

If any consumer shall sell or otherwise dispose the premises where service is furnished, or if said premises are destroyed by fire or other casualty, he or she shall at once inform the City, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he or she shall be charged for all water used on the said premises until the City is otherwise advised of such circumstances. (Am. Ord. No. 745, 1/12/21)

## **SECTION 6-206: FEES AND COLLECTIONS**

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

## **SECTION 6-207: WATER BILLS**

1. Water bills shall be due and payable monthly at the office of the water billing clerk. The mayor shall direct the collector to charge and collect from each customer for the amount of the water bill, together with any other charges, properly itemized, due the Water Department. Bills shall be due on the first day of each month and payable by the 15th of each month. The gross amount of all bills shall be due after the 15th day of each month and no discount will be allowed. Bills not paid by the 15th day of the following month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the utility clerk shall give a written notice as set forth in Section 6-101 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, service may be discontinued at any time.



2. Disconnection of water service shall be made only after 12:00 noon on any business day Monday through Thursday. There shall be no disconnection of service unless the outside temperature is above 20° F. In the event service has been disconnected because of a delinquent bill, before service can be restored the customer must pay the delinquent bill, the current amount owed and a reconnection charge. If service is restored during the hours of 9:00 a.m. and 3:30 p.m. on any non-holiday Monday through Friday, the reconnection fee shall be \$50.00.

3. If service is reconnected at any time other than as above stated, the reconnection fee shall be \$75.00. The City shall make no reconnection of water service after 9:00 p.m. on any day.

(Ref. Neb. Rev. Stat. §17-542, 18-416) (Am. by Ord. No. 692, 4/12/16)

## **SECTION 6-208: WATER USAGE RATES**

A. All water consumers shall be liable for the minimum monthly base charge and, if applicable, the monthly usage charge set forth below unless and until the consumer shall, by written order, direct the City to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water service until the water service is re-established.

### 1. Residential Property Inside City Limits:

- a. *Minimum Monthly Base Charge:* The minimum monthly base charge for the use of 0-3,000 gallons of water per month shall be \$20.00.
- b. *Monthly Usage Charge:* In the event water usage exceeds 3,000 gallons per month, then the monthly usage charge shall be \$2.20 per 1,000 gallons, or fraction thereof, above 3,000 gallons, which amount shall be added to the minimum monthly base charge (e.g. usage of 3,001-4,000 gallons in a month would result in a total monthly water bill of \$22.20; usage of 4,001-5,000 gallons in a month would result in a total monthly water bill of \$24.40, etc.).

### 2. Residential Users Outside City Limits:

- a. *Minimum Monthly Base Charge:* The minimum monthly base charge for the use of 0-3,000 gallons of water per month shall be \$26.25.
- b. *Monthly Usage Charge:* In the event water usage exceeds 3,000 gallons per month then the monthly usage charge shall be \$2.75 per 1,000 gallons, or fraction thereof, above 3,000 gallons, which amount shall be added to the minimum monthly base charge (e.g. usage of 3,001-4,000 gallons in a month would result in a total monthly water bill of \$29.00; usage of 4,001-5,000 gallons in a month would result in a total monthly water bill of \$31.75 etc.).

### 3. Commercial and Industrial Users Inside or Outside of City Limits:

- a. *Minimum Monthly Base Charge:* The minimum monthly base charge for the use of 0-3,000 gallons of water per month shall be \$30.25.
- b. *Monthly Usage Charge:* In the event water usage exceeds 3,000 gallons per month, then the monthly usage charge shall be \$2.75 per 1,000 gallons, or fraction thereof, above 3,000 gallons, which amount shall be added to the minimum monthly base charge (e.g. usage of 3,001-4,000 gallons in a month would result in a total monthly water bill of \$33.00, us-

age of 4,001-5,000 gallons in a month would result in a total monthly water bill of \$35.75 etc.).

B. The rates fixed by this section shall be reviewed annually by the City Council during the month of February and shall be adjusted for the purpose of providing for the payment of the costs of maintenance, operation, repair and replacement of the components of the water system. Such adjustment shall take effect on April 1 and may reflect the annual change as established by the Consumer Price Index for All Urban Consumers (CPI-U) as reported by the U.S. Bureau of Labor statistics each January.

C. Bills for water charges shall be rendered following each month's usage and shall become delinquent after the 15<sup>th</sup> of the month. A delinquency fee of \$10.00 shall be added to any delinquent bill to cover the additional expense incurred by the City.

D. The mayor and City Council members hereby find and determine that the charges established by this section are just and equitable rates and charges to be paid to the City by each consumer using the system.

(Am. by Ord. Nos. 674, 4/14/15; 784, 1/10/23; 793, 7/11/23; 807, 2/13/24)

### **SECTION 6-209: WATER TREATMENT CAPITAL FACILITIES CHARGE**

1. The customer, upon approval of his/her application for water services, shall pay to the Water Department a water treatment capital facilities charge to compensate the City for the expense of providing the capital facilities needed to process and treat the potable water supply to be used by the customer.

2. The water treatment capital facilities charges shall be in accordance with the following schedule:

- A. \$1,100.00 for each residential, single-family lot;
- B. \$1,480.00 for each residential, duplex lot;
- C. \$3,300.00 for each acre of residential multi-family property;
- D. \$3,000.00 for each acre of commercial or industrial property;
- E. \$3,000.00 for each acre of park, common area, or outlots, except that any outlot that is an existing lake will not pay water treatment capital facilities charges. In the event that a new lake is intentionally created as part of a new development, the City Council shall determine if water treatment capital facilities charges will be due for the lake outlot.

3. The water treatment capital facilities charge shall be collected by the city administrator/clerk/treasurer at the time of the application for water service, provided that:

- A. Credit shall be given for the amount of prepayment, if any, for the property being connected; and
- B. The applicant furnish proof of the prepayment made on the property sought to be connected.

4. The water treatment capital facilities charges connection policy for new subdivisions and developments shall be as follows:

- A. The first one-half of the water treatment capital facilities charges for all residential, commercial and industrial property shall be collected by the city clerk/treasurer from the developer of the subdivision's owner prior to the signing of the subdivision's final plat.

- B. The final one-half of the water treatment capital facilities charges for all resi-

dential, commercial and industrial property shall be collected from the applicant at the time the application for water service is made.

- C. 100% of the water treatment capital facilities charges for park, common area, or outlots shall be collected from the developer of the subdivision's owner prior to the signing of the subdivision's final plat.

5. The City may consider an alternate method of determining the water treatment capital facilities charges for commercial and industrial properties which exceed 5.0 acres in size, and where the water demand and impact on the City's infrastructure is not commensurate with large land areas needed for the commercial or industrial entity to function. Examples of large area requirements would include storage of raw and finished materials, or staging of transportation loading and unloading activities. The alternate calculation would be based on water main taps needed for fire protection. The alternate charge system would be as follows:

A. Capital Facility Charge	
<i>Meter Size</i>	<i>Charge</i>
5/8 inch	\$ 1,100
3/4 inch	1,650
1 inch	2,750
1½ inch	5,500
2 inch disc	8,800
2 inch turbo	17,600
3 inch compound	17,600
3 inch turbo	38,500

B. Connection Tap Charge	
<i>Size Tap</i>	<i>Charge</i>
4"	\$1,400
6"	1,600
8"	1,800

- C. Notes: (i) The above charges would apply to each meter in each building. (ii) The minimum capital facility charge would be \$15,000.00 (i.e. 5 acres @ \$3000 per acre)

- D. The use of the alternative method of determining water capital facilities charges is not an elective of the commercial or industrial property, and is reserved solely for use by the City if needed. The implementation of the alternative method and the sizing of meters and connections to sewer mains will be determined by the city engineer and City Council.

(Am. by Ord. Nos. 567, 10/28/08; 572, 12/9/08; 658, 5/13/14)

**SECTION 6-210: DEPOSIT**

1. All new applicants for service from the city water system shall be required to pay a deposit in the amount of \$150.00 to the Water Department before such water service is supplied. From such deposit, the City may, without notice, deduct all delinquent water rents or any unpaid claims due to the Water Department.

2. The Water Department shall refund the water deposit to each water consumer after a period of not less than one year, provided that the water consumer's account is in good standing.

3. If the water deposit has been refunded after one year and if, anytime thereafter, the consumer is late paying his or her water charges two consecutive times, an additional water deposit of \$150.00 will be required by the City, to be held pursuant to the terms of

this Section 6-210.

4. In the event that a water consumer's account has not been an account in good standing at any time during a period of five (5) years or more from the date of the original deposit, the deposit shall immediately be forfeited to the City and the water consumer shall not be entitled to a refund.

5. In the event that a water consumer's account is inactive, no water service is being provided in connection therewith and, after reasonable attempts, the water consumer cannot be located, the deposit shall immediately be forfeited to the City and the water consumer shall not be entitled to a refund.

(Am. by Ord. Nos. 522, 5/16/06; 745, 1/12/21)

## **SECTION 6-211: RENTAL UNIT BILLING**

### *1. Existing Single-Family Dwelling Unit*

A. All single-family dwelling rental units that have individual meters and curb stops shall be billed directly to the tenant/resident upon the owner's request. However, the owner/landlord is responsible for the collection of the water and sewer deposit fee and is ultimately responsible for payment of the water and sewer bill.

B. In the event that the owner/landlord does not pay a delinquent water and sewer bill, the City shall have the right to place a lien upon the property or pursue any other remedy available.

### *2. Existing Multi-Family Dwelling Units*

A. Owners/landlords will be responsible for the payment of the water and sewer base fee and water and sewer usage fee for each separate living unit, even though there may be only one meter supplying the multi-family dwelling unit.

B. In the event that the owner/landlord does not pay a delinquent water and sewer bill, the City shall have the right to place a lien upon the property or pursue any other remedy available.

### *3. Existing Duplexes*

A. All existing duplexes that have individual meters and curb stops for each unit shall be billed directly to the tenant(s) upon the owner's/landlord's request or to the resident owner. In any case, the owner/landlord is responsible for payment of the deposit fee for each rental unit and ultimately responsible for the payment of the basic water/sewer fee and water usage fee for each rental unit.

B. In the event that the owner/landlord does not pay a delinquent water and sewer bill, the City shall have the right to place a lien upon the property or pursue any other remedy available.

### *4. Existing Townhome Rental Units*

A. All existing townhome rental units that have their own water meters and curb stops shall be billed directly to the tenant(s) upon request of the owners/landlords. In any case, each owner/landlord is responsible for the payment of the deposit fee and ultimately responsible for the payment of the basic water/sewer fee and water usage fee.

- B. In the event that the owner/landlord does not pay a delinquent water and sewer bill, the City shall have the right to place a lien upon the property or pursue any other remedy available.

## **SECTION 6-212: MANDATORY HOOKUP**

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice of the City Council, to hook up with the city water system.

## **SECTION 6-213: INSTALLATION EXPENSE**

1. The customer, upon approval of his/her application for water service, shall pay to the city Water Department a water connection processing and inspection fee, which compensates the City for the expense of processing the application and inspecting the connection between the applicant's private water service pipe and the City's public water main. In addition to paying the processing and inspection fee, the customer shall arrange for and pay all costs of the work and materials to make the connection. Such connection work shall only be made by a licensed plumber.

2. The water connection processing and inspection fee shall be \$300.00 per connection, based on either a  $\frac{3}{4}$  inch or a 1 inch connection. No connections smaller than  $\frac{3}{4}$  inch shall be allowed. For connections larger in size than 1 inch, the processing and inspection fee shall increase in \$50.00 increments for each  $\frac{1}{2}$ -inch increment in increased pipe size. However, the maximum fee shall be \$500.00.

## **SECTION 6-214: INSTALLATION PROCEDURE**

1. 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. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If an excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the City shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer.

2. All installations or repairs of pipes require two inspections by the City. 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 consumer's responsibility to notify the City at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the rules, regulations and specifications prescribed by the City.

(Ref. Neb. Rev. Stat. §17-537)

## **SECTION 6-215: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**

Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean:

1. Solders and flux, not more than .2% lead; and
2. Pipe and pipe fittings, not more than 8% lead.

## **SECTION 6-216: NEW LINES; CHECK VALVES**

All new lines shall have check valves installed and such installations shall be inspected

and approved by the City. Water to any premises shall not be turned on until the plumbing has been made to comply with all statutory sections. (Ref. Neb. Rev. Stat. §71-5301)

### **SECTION 6-217: REPAIRS**

Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department shall be made by the City. If excavation is required to determine what repairs are necessary, the customer is responsible for and shall bear the expense of such excavation. If an examination reveals that repairs are necessary to the service pipe, the customer bears the responsibility for and the expense of all repairs, as well as the responsibility for and the expense of refilling the excavation and restoring the property to its original condition. If an examination reveals that repairs are to be made only to the property of the Water Department, the City shall be responsible for and bear the expense of refilling the excavation and restoring the property to its original condition, as well as for the expense of excavation up to an amount of \$50.00. If the City determines that it is responsible for the repairs, but the customer makes repairs and/or replacement of the service pipe, the customer then becomes responsible for and bears the expense of filling in the excavation and restoring the property to its original condition, plus the entire cost of the excavation. (Ref. Neb. Rev. Stat. §17-542)

### **SECTION 6-218: WATER METERS REQUIRED**

The purpose of this section is to require water meters as a condition precedent to the use of water from the waterworks of the City, as authorized by Neb. Rev. Stat. §17-542. Any new building or structure erected or constructed in the City shall contain a water meter with remote readouts and fittings to accommodate connections thereto of not less than 5/8 inch.

### **SECTION 6-219: WATER METERS; REGULATIONS**

1. Every new building or structure hereafter erected or constructed in the City shall contain the necessary fittings, piping and mechanical accommodations to permit the installation of a water meter with a remote readout.

2. In terms of installation, methods of connection, and use of materials in such installation, the water meter shall comply in all respects with the Uniform Plumbing Code, published by the International Conference of Building Officials.

3. The City Council may fix further specifications for such water meters from time to time by resolution, and in the event that such specifications fixed from time to time by resolution are at variance with any Uniform Code condition adopted by the City, then and in that event the terms of the resolution shall prevail.

### **SECTION 6-220: WATER METERS; PURCHASE AND INSTALLATION**

1. Anyone wishing to install or replace a water meter in the City must purchase said water meter from the City, which shall charge the current market price for the meters selected for installation, plus shipping and handling charges. The City may charge different prices for different size meters and for meters to be installed in underground pits.

2. The City shall publish and keep on file a list of the current prices for the purchase of any meters and the current charges for shipping and handling of said meters. This list shall be kept on file with the city clerk.

3. All of said water meters shall be installed at the customer's expense by a licensed plumber, selected by the customer.

## **SECTION 6-221: APPROVAL OF WATER MAIN CONNECTIONS AND EXTENSIONS**

1. The size of water mains in the city municipal water system have been selected based on a number of conditions, including, but not necessarily limited to normal domestic water usage, fire protection flows, and ability to serve future undeveloped areas that may eventually desire to receive water service from the City.

2. In order that these service conditions shall continue to be met, the City may require that water mains be oversized in capacity above what might be considered adequate to serve a sole and specific area or development. The decision on the proper sizing of water mains within the City or within its planning and service areas shall rest solely with the City.

3. In the event that a development or entity desires to connect to, and extend service from, an existing city water main, the City shall determine the following:

- A. The unused capacity of the water main to be connected to, or extended, and whether or not a connection or extension can be allowed.
- B. The size of the water main connection and the size of the water main to be extended.

4. If it is determined that the water main has unused capacity to allow a connection or extension, the City may approve of the connection or extension and shall determine its size. If there is no possibility of future water service requests or expansion beyond the development's or entity's use, then the size of the extended main shall be based on that development's or entity's sole use. However, if future water service is possible to areas beyond the development's or entity's use, then the main shall be sized to accommodate that future use as well. The determination of future use shall rest solely with the City.

5. The City may extend a water main to serve subdivisions or developments. The approval of such extension, and the provisions of the extension, shall be in accordance with the City's Water Main Extension and Pioneering Policy.

6. The City shall charge water treatment capital facilities charges to all applicants desiring to connect to the city water system. The City shall also charge, if applicable, special water main extension fees. These charges and fees are specific for water treatment facilities and special water main extensions and do not cover any of the applicant's costs of extending interior water mains or service lines to the point(s) of usage.

(Am. by Ord. No. 572, 12/9/08)

## **SECTION 6-222: SPECIAL WATER MAIN EXTENSION FEE; WHEN REQUIRED**

1. The customer, upon approval of his/her application for water service, shall pay to the city Water Department, if required, a special water main extension fee. The said fee shall only be charged to customers seeking to connect to the municipal water system in areas whose property was not charged, by way of special assessments, for the benefit of the water extension made in that district.

2. The amount of the special water main extension fee shall be (A) based upon the balance of the cost of construction of the water extension improvements not assessed to other property and (B) apportioned to the applicant according to the area to be benefited by connection to the system. The entire amount of the special water main extension fee shall be paid in full before a water connection shall be approved.

## **SECTION 6-223: SINGLE PREMISES**

No consumer shall supply water to other households or allow them to take water from his/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.

#### **SECTION 6-224: RESTRICTED USE**

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

#### **SECTION 6-225: 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 or employees of the Water Department to open or attempt to open any public or private hydrant and draw water from the same or in any manner to interfere with the hydrants. Any person doing so or attempting to do so may be prosecuted as provided by law.

#### **SECTION 6-226: INSPECTIONS; ACCESS**

Duly authorized agents of the City 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. (Ref. Neb. Rev. Stat. §17-537)

#### **SECTION 6-227: DESTRUCTION OF PROPERTY**

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

#### **SECTION 6-228: FLUORIDE**

Fluoride shall be added to the water supply of the City.

#### **SECTION 6-229: WELLS, WELLFIELDS; DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM CITY WATER SOURCES; PROHIBITED**

1. The intent of this section is to establish control by the City over the location of future potential sources of contamination within the City's wellfield, within the city limits, or within the City's extraterritorial jurisdiction, so as to prevent or minimize any hazard to the safety of the City's potable water system.

2. For the purposes of this section, the following definitions shall apply:

- A. "Water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed, screened and cased, for the purpose of exploring for groundwater, monitoring ground water, or extracting ground water from an underground aquifer for public drinking water use.



- B. "Wellfield" shall mean the area or region under which the City's drinking water aquifer is located and which contains the City's potable water wells for extraction of groundwater for public drinking water purposes. The City's wellfield is described as follows:

Part of the NE ¼ of the NW ¼ of Section 6, T15N, R10E, 6<sup>th</sup> P.M., Douglas County, Nebraska, the point of beginning which exists 735.05 feet south of the N ¼ corner of Sec. 6, T15N, R10E, along the east line of the NE ¼ of the NW ¼ of Sec. 6, thence west along a line perpendicular to the east line of the NE ¼ of the NW ¼ of Sec. 6 a distance of 751.95 feet; thence south along a line parallel to the east line of the NE ¼ of the NW ¼ of Sec. 6 a distance of 569.26 feet, thence east along a line perpendicular to the east line of the NE ¼ of the NW ¼ of Sec. 6 a distance of 751.95 feet; thence north along the east line of the NE ¼ of the NW ¼ of Sec. 6 a distance of 569.26 feet to the point of beginning. A plat of the described wellfield boundary is attached for reference.

3. It shall be unlawful to place, maintain, construct or replace any of the following facilities or structures or to discharge any of the following materials within a distance of 1,200 feet from any point on the boundary of the City's defined wellfield:

- A. Water well (drinking, irrigation, geothermal or injection)
- B. Chemical storage (dry or liquid)
- C. Petroleum storage
- D. Sewage lagoon
- E. Cesspool
- F. Dump
- G. Feedlot, feedlot runoff, or animal waste disposal
- H. Corral or animal enclosure
- I. Pit toilet
- J. Septic tank
- K. Sanitary landfill
- L. Sewage treatment plant
- M. Sewage wet well
- N. Absorption of disposal field for waste
- O. Land application of solid or liquid waste
- P. Sanitary or industrial discharges

4. Water wells in existence and in use within the restricted area, as of February 14, 1995, the effective date of this section, shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the City's water system. The owner of any existing water well shall have the burden of establishing the existence and use of such well at the time of the effective date.

5. Any person or persons found violating any provisions of this section shall be subject to a fine, not to exceed \$200.00. The continuation of a violation of this section shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the City may obtain injunctive relief and sue for damages and remediation and may pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters.

#### **SECTION 6-230: POLLUTION PROHIBITED**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the city Water Department.

#### **SECTION 6-231: BACKFLOW REGULATIONS; POLICY AND PURPOSE**

1. The purpose of these backflow regulations is to protect the public water supply system of the City from the possibility of contamination or pollution which may backflow into the system. These regulations provide for the maintenance of a continuing program of cross-connection controls which will systematically and effectively prevent the contamination or pollution of the potable water supply system. These backflow regulations shall apply to all premises serviced by the public potable water system of the City.

2. The duly authorized agent of the City shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If an approved backflow prevention device is required for the safety of the public water supply system in the judgment of the said agent, then he/she shall give notice in writing to the consumer to install said devices at each recommended location. The said agent shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double check valves and reduced pressure zone devices shall be performed by the City. If maintenance and repairs are deemed necessary, the owner shall be contacted and issued an order to make all necessary repairs or maintenance. The owner shall complete all maintenance or repairs within 30 days; if not, the owner shall be considered in violation of the backflow regulations and will be subject to disconnection of municipal water service.

3. No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless such cross-connections are abated or controlled in accordance with this rule and as required by the laws and regulations of the Nebraska Department of Health.

4. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Department and the National Plumbing Code as necessary for the protection of health and safety.

5. For the purposes of these backflow prevention regulations, whenever the City or its agent is to make any decisions or interpretations or whenever reference is made to the fact that the City or its agent is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of these backflow prevention regulations and any other applicable provisions of the municipal code and state and federal laws.

## **SECTION 6-232: BACKFLOW REGULATIONS; DEFINITIONS**

For the purposes of this article, the following terms are defined:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

"Anti-siphon vacuum breaker" is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the City as suitable for the intended use.

"Auxiliary water system" means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system, polluted or contaminated water, process fluids, used water or other sources of water over which the City does not have sanitary control.

"Backflow" or "backsiphonage" means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double check valve assembly, anti-siphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the City or its agent.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Consumer's water supply system" means any water supply system located on the consumer's premises supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered to be a consumer's water supply system.

"Contamination" means an impairment of water quality by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any arrangement whereby contamination due to backflow or backsiphonage can occur.

"Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

"Double check-valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Health hazard" means any condition, device or practice in a water system or its operation that creates a real or potential danger to the health and well-being of the consumer.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

"Licensed plumber" means a person who has obtained the appropriate permit from the City Council to perform plumbing-related work within the city limits.

"Non-potable water" means water not safe for drinking or personal or culinary use or which does not meet the requirements of the Nebraska Department of Health.

"Owner" means the entity delivering water through the public water supply system. The owner is the City of Valley operating through PeopleService, Inc.

"Plumbing hazard" means a plumbing cross-connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention

devices.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrade the quality of water to a degree which does not necessarily cause an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

"Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. "Water supply source" is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include 100% closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service line, then the service connection means the downstream end of the meter.

"System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.

"Used water" means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

### **SECTION 6-233: BACKFLOW REGULATIONS; SURVEYS AND INVESTIGATIONS**

1. It shall be the responsibility of the water consumer to conduct or cause to be conducted periodic surveys of water use practices on his/her premises as necessary to determine whether there are actual or potential cross-connections in the his/her water supply system. The City shall have the authority to conduct or cause to be conducted periodic surveys and investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water system. The City may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

2. On request by the City, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the City shall treat the prem-

ises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required in Section 6-238.

3. The duly authorized agent of the City shall have the right to enter any premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices. In order to inspect any premises, said agent shall give notice setting forth a proposed date and time to the consumer at least ten days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the City and arrange for another date and time for the inspection. If the City and the consumer cannot agree on a date and time, then the City shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required in Section 6-238.

4. The City Council is hereby appointed as a hearing board to hear differences between its duly authorized agent and any consumer on matters concerning interpretation and execution of the provisions of this ordinance by the said agent. Any consumer aggrieved by being required to pay the expense of installing, furnishing and/or maintaining a backflow prevention device may, within 14 days of the act or event causing the grievance, request a hearing in writing to present such grievance to the hearing board. Said board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven days and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance and the City's agent shall be entitled to respond thereto, whereupon the hearing board shall render its decision which will be binding upon the consumer and the said agent.

#### **SECTION 6-234: BACKFLOW REGULATIONS; WHERE PROTECTION IS REQUIRED**

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the City a health, plumbing, pollution or system hazard exists.

2. An approved backflow prevention device shall be installed when the following conditions are found by the City to exist:

A. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;

B. Premises having internal cross-connections that, in the judgment of the City, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

D. Premises having a repeated history of cross-connections being established or re-established;

E. Premises having more than one customer service connection, which could constitute a potential cross-connection.

3. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the City determines that no health, pollution or system hazard to the public water supply system exists:

- A. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
- B. Testing laboratories, film laboratories, film development facilities.
- C. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
- D. Food or beverage processing plants.
- E. Chemical plants.
- F. Metal de-greasing, plating industries, machine tool plants, die and metal processing or productions.
- G. Chemical and petroleum processing or storage plants.
- H. Car washes, automobile servicing facilities.
- I. Lawn irrigation systems and swimming pools.
- J. Laundries and dry cleaners.
- K. Packing houses.
- L. Power plants.
- M. Premises having radioactive materials such as laboratories, industries, hospitals.
- N. Rendering plants.
- O. Premises having a water recirculating system as used for boilers or cooling systems.
- P. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
- Q. Beauty salons, barbershops, massage parlors, health clubs.
- R. Fire suppression systems.
- S. Multi-storied buildings greater than three stories in height.
- T. Schools, universities, colleges.
- U. Other commercial or industrial facilities which may constitute potential cross-connection sites.

### **SECTION 6-235: BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED**

1. The type of protection required under Section 6-238(1) and 6-238(2) of this article shall depend on the degree of hazard that exists, as follows:

- A. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.
- B. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.
- C. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.
- D. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

2. An approved anti-siphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at the least 6" above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

#### **SECTION 6-236: BACKFLOW REGULATIONS; PREVENTION DEVICES**

1. Any approved backflow prevention device required by Section 6-238 shall be installed at a location and in a manner approved by the City. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device within 90 days of notice and as directed by the City.

2. Existing backflow prevention devices approved by the City prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of Section 6-240(1), but only if the City determines that the devices will satisfactorily protect the public water supply system. If deemed necessary for proper testing, 100% closing shutoff ball valves for testing shall be provided on existing backflow prevention devices. If the City determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

#### **SECTION 6-237: BACKFLOW REGULATIONS; BOOSTER PUMPS**

No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order.

#### **SECTION 6-238: BACKFLOW REGULATIONS; YARD HYDRANTS**

1. The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below the ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply.

2. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an anti-siphon vacuum breaker.

3. All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

#### **SECTION 6-239: BACKFLOW PREVENTION; INSTALLATION**

1. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the City or its authorized representative. All devices shall be installed at the expense of the consumer unless the City or its authorized representative agrees otherwise.

2. Backflow prevention devices installed at the service connection shall be located

on the consumer's side of the water meter (if one is installed) or the corporation stop, as close to the meter or corporation stop and prior to any other connection.

3. Backflow prevention devices shall be installed (A) according to manufacturer's recommendations; (B) where conveniently accessible for maintenance and testing; (C) where protected from freezing; and (D) where no part of the device will be submerged or subject to flooding by any fluid.

#### **SECTION 6-240: BACKFLOW PREVENTION; TESTING**

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City or its authorized representative. Testing and repair must be done by a certified (Grade 6) backflow tester. Actual testing shall be at the expense of the consumer unless the City or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City. If testing shall require entry into the premises, the City's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten working days in advance by first class mail, return receipt requested. If the consumer cannot make the appointment, he/she shall contact the City's authorized representative to arrange another date and time.

#### **SECTION 6-241: BACKFLOW PREVENTION; AUTHORIZED REPRESENTATIVE, AUTHORITY**

The authorized representative shall have the authority to issue any order consistent with the provisions of these regulations in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order and compliance requirements and shall set a reasonable date by which compliance must be met. All orders will be mailed by certified mail with return receipt requested.

#### **SECTION 6-242: BACKFLOW PREVENTION; APPEALS**

In the event that it is claimed that (1) the true intent and meaning of these regulations has been wrongfully interpreted by the authorized representative; (2) the time allowed for compliance with any order of the authorized representative is too short; or (3) conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by this article, the owner may file a written notice of appeal with the city clerk within ten days after the decision or order of the authorized representative has been made. When appealed to, the City Council shall hear all appeals and shall have the power and authority to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. Any appeal shall be in writing and shall state the reason for the appeal.

#### **SECTION 6-243: BACKFLOW PREVENTION; VIOLATIONS**

The City or its authorized representative shall deny or discontinue water service to any premises or any consumer (1) wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the City or its authorized representative; (2) if it is found that the backflow prevention device has been removed or bypassed, or (3) if an unprotected cross-connection exists. Water service to such premises shall not be restored until the consumer is in compliance with these cross-connection regulations to the satisfaction of the City or its authorized representative.

#### **SECTION 6-244: BACKFLOW PREVENTION; LIABILITY CLAIMS**



The authorized representative shall be relieved from personal liability. The City shall hold harmless the authorized representative, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this title or by reason of any act or omission of the authorized representative in the discharge of his/her duties hereunder. Any suit brought carrying out the provisions of the title shall be defended by the City or its insurance carrier, if any, through final determination of such proceedings.

(Water Watch, Warning, Emergency enacted by Ord. No. 776, 6/14/22)

## **SECTION 6-245: WATER SHORTAGE; DEFINITIONS**

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

1. "Basic water use" as used herein includes water for drinking, water for cooking, water for bathing, water for laundry, and water for sanitary flushing in residential and business premises.

2. "Odd/even watering" as used herein includes alternate daily lawn watering throughout the City and its water service area. During this restriction, residence and business addresses with odd-numbered addresses shall be allowed to water lawns on odd-numbered days of the month (ex. 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, etc. day of the month. During this restriction, residence and business addresses with even-numbered addresses shall be allowed to water lawns on even-numbered days of the month (ex. 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, etc. day of the month.)

3. "Waste of water" as used herein includes, but shall not be limited to, leaving hoses run, leaving faucets run, allowing faucets and toilets to leak, watering of lawns excessively or continuously, not repairing broken sprinkler heads, etc. or failing to repair a controllable water leak due to defective plumbing.

4. "Waterworks system" as used herein includes the municipal water supply wells, treatment plant, storage reservoirs, water supply pumps, and water distribution system.

## **SECTION 6-246: WATER SHORTAGE; WATCH, WARNING, OR EMERGENCY**

A water watch, warning, or emergency shall be in effect whenever the city water system operator and/or the city engineer find that conditions indicate the probability of a major water supply shortage is rising. The city water system operator and/or the city engineer shall notify the mayor of conditions which may, pursuant to the city's water conservation plan, as may be amended from time to time, trigger a watch, warning, or emergency. The mayor shall be empowered to declare that a water watch, warning, or emergency exists and shall take steps to inform the public and ask for reductions in water use. Such watch, warning, or emergency shall be deemed to continue until it is declared to have ended. Declaring the existence and end of a water watch, warning, or emergency shall be effective upon posting notice at the City's designated areas.

## **SECTION 6-247: WATER SHORTAGE; DECLARATION OF WATCH**

Upon the declaration of a water watch, the following affirmative measures may be implemented by the City:

1. *Education Actions.* The City will make occasional news releases or post notices in designated places encouraging water conservation and shall educate the public on how to conserve water through social media, mailings and posting on city website.

2. *Management Actions:*

- A. Any repairs or replacements to equipment components of the city waterworks system shall be completed immediately.
- B. Leaks will be repaired immediately.
- C. The City will monitor its use of water and will curtail activities such as hydrant flushing.

3. *Regulation Actions.* The public will be asked to voluntarily curtail some outdoor water use and to make efficient use of indoor water, i.e. washing full loads, taking short showers, not letting faucets run, etc.

## **SECTION 6-248: WATER SHORTAGE; DECLARATION OF WARNING**

Upon the declaration of a water warning, the following affirmative measures may be implemented by the City:

1. *Education Actions.* The City will make occasional news releases or post notices in designated places indicating the current water supply situation. Water conservation articles may be provided to the public on a regular basis.

### *2. Management Actions:*

- A. Any repairs or replacements to equipment components of the city waterworks system shall be completed immediately. Water storage volumes shall be monitored hourly to ensure that reserves are in place for emergency fire-fighting operations.
- B. Leaks will be repaired immediately.
- C. The City will curtail its water usage, including hydrant flushing and watering of publicly owned parks and other grounds.

3. *Regulation Actions.* The public will be asked to voluntarily curtail some outdoor water use and to make efficient use of indoor water, i.e. washing full loads, taking short showers, not letting faucets run, etc.

- A. An odd/even lawn watering system will be imposed on city residents. These restrictions shall not apply to any person, firm, or corporation engaged in the business of growing or selling plants of any kind.
- B. Waste of water will be prohibited, other than what is necessary for public safety.

## **SECTION 6-249: WATER SHORTAGE; DECLARATION OF EMERGENCY**

Upon the declaration of a water emergency, the following affirmative measures may be implemented by the City:

1. *Education Actions.* The City will make occasional news releases or post notices in designated places indicating the current water supply situation. The City may hold public meetings to discuss the emergency, the status of the water supply and further actions which need to be taken.

### *2. Management Actions:*

- A. Any repairs and replacements of equipment components of the city water-

works system shall be completed immediately and water operating personnel shall be on site continuously to monitor all operations, usage volumes, storage volumes for fire protection, etc.

B. Leaks will be repaired immediately.

C. The City will seek additional emergency supplies from other water suppliers, the State or the Federal Government.

3. *Regulation Actions.*

A. Outdoor water use will be banned.

B. Waste of water will be prohibited.

**SECTION 6-250: WATER SHORTAGE; REPORTS AND REVIEW OF RATIONING**

The city water system operator and city engineer will make regular reports to the mayor while water restrictions are in effect. The mayor will review the reports and consider any changes that may be desirable in the regulations set out in this ordinance.

**SECTION 6-251: WATER SHORTAGE; VIOLATIONS; DISCONNECTIONS; PENALTIES**

If the mayor learns of any violation of any water use regulation actions imposed pursuant to this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred; and the customer of record or any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may immediately shut off the water on any premises until such time as the water watch, warning or emergency has ended.

**SECTION 6-252: WATER SHORTAGE; EMERGENCY REDUCTION**

Nothing in this ordinance shall limit the ability of the City Council to order a reduction in the use of water or shut off the water on any premises pursuant to Valley Municipal Code §6-224.

**ARTICLE III – SEWER DEPARTMENT**

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

The City owns the sewer system and operates the same through an operations and maintenance agreement with PeopleService, Inc. 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 Sewer Maintenance Fund and shall remain in the custody of the city treasurer. The Council shall by ordinance set the rates to be charged. A copy of the rates shall be filed in the office of the city clerk for public inspection at any reasonable time.

**SECTION 6-302: TERMS DEFINED**

"Biological oxygen demand" shall mean the quantity of oxygen utilized in the biochemical

oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million by weight.

"Building or house 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 five feet outside the inner face of the building wall.

"Building or house sewer" shall mean the extension from the building drain to its connection with the main sewer.

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

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

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

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

"Local ventilating pipe" shall mean any pipe through which foul air is removed from a room or fixture.

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

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

"Plumbing fixtures" shall mean receptacles intended to receive and discharge water or water-carried wastes into the sewer system with which they are connected.

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

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

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

"Sewage" means and includes 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 system" or "sewerage facilities" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five times the

average 24-hour concentration or flows during normal operation for any period of duration longer than 15 minutes.

“Soil pipe” shall mean any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

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

“Suspended solids” shall mean and include solids that either float on the surface of, or are in suspension, in water, sewage or other liquids, and are removable by laboratory filtering.

“Trap” shall mean 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” shall mean the vertical distance between the crown weir and the dip of the trap.

“Vent pipe” shall mean any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

“Waste pipe” shall mean any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe, or waste stack.

“Watercourse” shall mean a natural or artificial channel in which a flow of water occurs either continuously or intermittently.

### **SECTION 6-303: SEWER CONTRACT; NOT TRANSFERABLE**

1. The City, through the 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, regulations and sewer rental rates in this article shall be considered a part of every application hereafter made for sewer service and the contract between every customer now or hereafter served. Without further formality, the making of an application on the part of any applicant or the use of sewer service by present customers shall constitute a contract between the customer and the City, to which said contract both parties are bound.

2. Contracts for sewer service are not transferable. Any person wishing to move from one location to another in the City 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/she shall at once inform the City, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the City is otherwise advised of such circumstances.

### **SECTION 6-304: MANDATORY HOOKUP**

1. Upon written notice by the City, the property owner, occupant or lessee of any premises within 300 feet of any sewer main shall cause the said building to be connected with the sewer system and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the sewer system at the time of its construction.

2. In the event that any property owner, occupant or lessee shall neglect, fail or refuse to make connection with the city sewer system within a period of ten days after notice to do so has been given by registered mail or by publication in a newspaper in or

of general circulation in the City, the City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

### **SECTION 6-305: UNLAWFUL DISCHARGE OF WASTES**

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

### **SECTION 6-306: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED**

Except as provided in Sections 6-328 through 6-333, 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.

### **SECTION 6-307: CONNECTIONS AND EXTENSIONS**

1. The City shall approve all connections and extensions to its sanitary sewer system. The City shall determine the capacity of all existing public sewers and the suitability of new connections and shall approve the capacity, sizing and routing of all new public sewers proposed for connection or extension to the sanitary sewer system. The City shall also determine the service area of all trunk and interceptor sewers and may require oversizing of any sewer to accommodate future projected growth.

2. The City may extend its sanitary sewer system into unserved areas in accordance with all available statutory procedures, including the establishment of sanitary sewer extension districts. The City shall levy special assessments for the cost of said extensions upon property specially benefited by the sewer extension.

3. The City may allow a private development or entity to extend the city sanitary sewer system into unserved areas. Any such extension shall be in accordance with approval by the City and the Nebraska Department of Environmental Quality. The City shall approve all sewer extension main sizes, including oversizing as determined solely by the City. The costs of the extension shall be borne by the private development or entity. Upon completion and final acceptance, the extension shall become the property of the City. No "pioneering" rights or provisions to recoup any portion of the costs of the extension shall be granted or allowed for the private development or entity making the extension.

### **SECTION 6-308: SERVICE TO NONRESIDENTS**

Any person whose premises are located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the city sewer system shall file a written application with the city clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the property is devoted and such other information as the City may require. The City Council may approve or deny such application in its absolute discretion. If the Council approves the application, it may do so by attaching to such approval whatever conditions it determines necessary.

### **SECTION 6-309: SPECIAL COLLECTION SYSTEM EXTENSION FEE**

1. The customer, upon approval of his/her application for sewer service, shall pay a special collection system extension fee to the city Sewer Department, if required. Such fee shall be charged only to customers seeking to connect to the municipal sewer system in areas whose property was not included within a previously created Sanitary Sewer

Extension District and was not charged by way of special assessments for the benefit of the sanitary sewer extension made in that district.

2. The amount of the special collection system extension fee shall be (A) based on the balance of the cost of construction of the sanitary sewer extension improvements not assessed to other property and (B) apportioned to the applicant according to the area to be benefited by the connection to the system. The entire amount of the special collection system extension fee shall be paid in full before a sewer connection shall be approved.

### **SECTION 6-310: CLASSIFICATION**

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

### **SECTION 6-311: RATE SETTING; DEFINITIONS**

The following definitions apply to this article:

“Residential” shall mean single family units, individual apartments, duplex units, multi-family units, individual mobile home units.

“Institutional” shall mean schools, nursing homes, assisted living facilities.

“Industrial” shall mean customers engaged in manufacturing of goods or products.

“Small business” shall mean customers, except Residential, Institutional and Industrial, using 10,000 gallons or less per month of metered water.

“Commercial” shall mean customers, except Small Business, Residential, Institutional and Industrial, using 10,000 gallons or more per month of metered water.

### **SECTION 6-312: RATE SETTING; CHARGES; REVIEW OF RATES; APPEALS**

1. Customers (as defined in Section 6-311 herein) of the Sewer Department shall be charged the following monthly rates for the use of sewer services:

<b><i>Residential and Small Business</i></b>	
Minimum monthly charge, 0 - 2,000 gallons	\$ 35.75
Variable rate, 2,001 gallons & over, per 1,000 gallons	5.50
<b><i>Institutional and Commercial</i></b>	
Fixed monthly charge	73.50
Variable rate, per 1,000 gallons	5.50
<b><i>Industrial</i></b>	
Fixed monthly charge	146.75
Variable rate, per 1,000 gallons	5.50

2. For residential and small business customers inside and outside the city limits who are on city metered water, the monthly charge for the 12-month period following April 1 each year shall be computed from average water consumption during the preceding December, January and February for that property based on water meter readings. Until consumptive history is properly established, the pre-charge shall be based on a predetermined monthly average residential and small business water usage of similar type.

3. Institutional and commercial users shall have their monthly sewer charges based on actual water consumption for each month, based on water meter readings. Industrial users shall have their monthly sewer charges based on metered readings.

4. The rates fixed by this section shall be reviewed annually by the City Council and shall be adjusted for the purpose of providing for the payment of expenses of maintenance, operation and repair of the sewer system.

5. A water metered customer who has had a water leak causing heavy usage during the rate setting months may, with proper documentation, appeal to the city administrator for a rate adjustment within 60 days after the April billing. The city administrator, utility billing clerk and a council member appointed annually will meet with the customer and review his/her usage history to determine if a rate adjustment is warranted. A rate adjustment would defer to the prior year's rate, or the rate of the average customer/household of the customer's size, whichever is lower. The customer will be informed of the decision in writing. The new rate will become effective with the next month's billing. A listing of rate adjustments will be provided to the mayor and City Council annually.

6. Bills for sewer charges shall be rendered following each month's usage and shall become delinquent after the 15<sup>th</sup> day of each month. A delinquency fee of \$10.00 shall be added to any delinquent bill to cover the additional expenses incurred by the City. (Am. by Ord. Nos. 562, 4/8/08; 565, 8/12/08; 621, 4/12/11; 645; 4/9/13; 675, 4/14/15; 691, 4/12/16; 789, 4/11/23; 793, 7/11/23; 808, 2/13/24)

### **SECTION 6-313: HIGH-STRENGTH WASTE SURCHARGE**

1. Customers of the Sewer Department shall be assessed a high-strength waste surcharge for pollutant levels as a minimum, BOD and suspended solids, which exceed the levels contained in the domestic strength waste water of the service area of the sewage treatment works.

2. The following discharge concentrations for BOD and suspended solids above which the surcharge shall be assessed and a formula for calculation of such surcharge shall be as follows:

$SC = Bu (Bi - Bn) + Su (Si - Sn) + Ru (Ri - Rn) \times 8.34 \times V$ , where

SC = High-strength waste surcharge, \$/billing period

Bu = OM&R costs to treat per unit of BOD, \$0.089 per pound

Bi = Concentration of BOD discharged from user during billing period, mg/l (this shall be an average over the billing period unless high-strength slugs add to OM&R expense)

Bn = BOD concentration limit for surcharge, 200 mg/l

Su = OM&R cost to treat per unit of SS, \$0.068 per pound

Si = Concentrations of SS discharged from user during billing period, mg/l (this shall be an average over the billing period unless high-strength slugs add to OM&R expense)

Sn = SS concentration limit for surcharge, 250 mg/l

Ru = OM&R cost to treat per unit of any additional substance adding to expense to operate treatment works, \$0/lb. (this will be established upon the introduction of any additional substance to the plant influent)

Ri = Concentration of additional substance discharged from user during billing period, mg/l

Rn = Additional substance concentration limit for surcharge, 0 mg/l (this will be established upon the introduction of any additional substance to the plant influent)

V = Volume discharged from user during billing period, million gallons

The formula herein provided shall read:

$$SC = /0.089 (Bi - 200) + 0.068 (Si - 250)/ \times 8.34 \times V$$



## **SECTION 6-314: SEWER USE RATES AND FEES; COLLECTION**

1. The City shall adopt sewer use fees from time to time by ordinance. Such fees shall be imposed upon all municipal sewer users as set forth in such ordinance, which shall be published as required by state law and shall be available for public inspection during all regular business hours.

2. The City shall charge persons or property for connecting to the city sewer system, and for the monthly use of the sewer system. The connection fees and charges and the monthly rental fees, shall consist of the following:

- A. Installation expense – processing and inspection fee.
- B. Sewer processing capital facilities charge.
- C. Special collection system extension fee, if applicable.
- D. Monthly sewer rental fees.
- E. Water service deposit fee.

3. Sewer bills shall be due and payable monthly at the office of the water billing clerk. Bills shall be due on the first day of each month and payable by the 15<sup>th</sup> of each month. Bills not paid by the 15<sup>th</sup> day of the following month shall be deemed to be delinquent. Upon being deemed to be delinquent, the utility clerk shall give a written notice as set forth in Section 6-101 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 mayor to cut off service at any time.

4. The City shall assess an additional fee in the event that sewer service is shut off for the nonpayment of any sewer use bill to compensate the City for the additional hookup necessary to again provide sewer service to the delinquent customer. Said fee, set by resolution of the City Council, shall be on file at the office of the city clerk, available for public inspection during office hours.

(Ref. Neb. Rev. Stat. §17-542, 18-416)

## **SECTION 6-315: SEWAGE TREATMENT WORKS FUND**

1. All amounts billed and collected for sewage service from all users shall be segregated in a separate fund designated as the Sewage Treatment Works Fund and amounts within such fund shall be credited to said accounts. Within this fund, there are hereby established three accounts: (A) Sewage Works Operation and Maintenance Account; (B) Sewage Treatment Replacement Account; and (C) Sewage Treatment Works Debt Service Retirement Account.

A. Sewage Treatment Works Operation and Maintenance Account: 54.05% of all amounts credited to the Sewage Treatment Works Fund shall be designated for this account and used only for the purpose of paying the costs of the operation, maintenance and administration of the sewage treatment works of the City, including any minor replacements to the system not otherwise provided for in the Sewage Treatment Works Replacement Account.

B. Sewage Treatment Works Replacement Account: 15.14% of all amounts credited to the Sewage Treatment Works Fund shall be designated for this account and shall be used only to meet the replacement needs of the treatment works, including any necessary upgrading in the process of replacements to the sewage treatment works. Credits to this account from the Sewage Treatment Works Fund shall be made at least annually.

C. Sewage Treatment Works Debt Service Retirement Account: 30.81% of all amounts credited to the Sewage Treatment Works Fund shall be designated

for this account and shall be used only to meet the debt service retirement requirements of the treatment works. Credit to this account from the Sewage Treatment Works Fund shall be made not less than annually.

2. Should a balance remain in any account within the Sewage Treatment Works Fund after payment of the items hereinbefore provided, then said balance shall be carried over within the same account and used for the same purposes in the following year. Transfers of funds to meet temporary shortages in any account within this fund shall be returned to the appropriate accounts following an adjustment in the user charge for operation and maintenance, replacement, and debt service retirement.

## **SECTION 6-316: SEWAGE PROCESSING CAPITAL FACILITIES CHARGES**

1. Every customer, upon approval of his/her application for sewer service, shall pay to the Sewer Department a sewage processing capital facilities charge to compensate the City for the expense of providing the capital facilities needed to process and treat the sewage generated by the customer.

2. The sewage processing capital facilities charges shall be in accordance with the following schedule:

- A. \$1,300.00 for each residential, single-family lot;
- B. \$1,780.00 for each residential, duplex lot;
- C. \$3,900.00 for each acre of residential multi-family property;
- D. \$3,600.00 for each acre of commercial or industrial property;
- E. \$3,000.00 for each acre of park, common area, or outlots, except that any outlot that is an existing lake will not pay sewer processing capital facilities charges. In the event that a new lake is intentionally created as part of a new development, the City Council shall determine if sewer treatment capital facilities charges will be due for the lake outlot.

3. The sewage processing capital facilities fee shall be collected by the city administrator/clerk/treasurer at the time of the application for sewer service, provided that:

- A. Credit shall be given for the amount of prepayment, if any, for the property being connected; and
- B. The applicant furnishes proof of the prepayment made on the property sought to be connected.

4. The sewage processing capital facilities charges connection policy for new subdivisions and developments shall be as follows:

- A. The first one-half of the sewage processing capital facilities charges for all residential, commercial and industrial property shall be collected by the city clerk/treasurer from the developer of the subdivision's owner prior to the signing of the subdivision's final plat.
- B. The final one-half of the sewage processing capital facilities charges for all residential, commercial and industrial property shall be collected from the applicant at the time the application for water service is made.
- C. 100% of the sewage processing capital facilities charges for park, common area, or outlots shall be collected from the developer of the subdivision's owner prior to the signing of the subdivision's final plat.

5. The City may consider an alternate method of determining the sewage proces-

sing capital facilities charges for commercial and industrial properties which exceed 5.0 acres in size, and where the sewer demand and impact on the City's infrastructure is not commensurate with large land areas needed for the commercial or industrial entity to function. Examples of large area requirements would include storage of raw and finished materials, or staging of transportation loading and unloading activities. The alternate calculation would be based on water meter sizing and size of sewer main taps to serve the entity. The alternate charge system would be as follows:

A. Capital Facility Charge	
<i>Meter Size</i>	<i>Charge</i>
5/8 inch	\$ 1,300
¾ inch	1,950
1 inch	3,250
1½ inch	6,500
2 inch disc	10,400
2 inch turbo	20,800
3 inch compound	20,800
3 inch turbo	45,500

B. Connection Tap Charge	
	<i>Charge</i>
Up to 4"	\$1,400
6"	1,600
8"	1,800

C. Notes: (i) The above charges would apply to each building where sanitary sewer wastes are generated. (ii) The minimum capital facility charge would be \$19,000.00 (i.e. 5 acres @ \$3600 per acre)

D. The use of the alternative method of determining sewage processing facilities charges is not an elective of the commercial or industrial property, and is reserved solely for the use by the City if needed. The implementation of the alternative method and the sizing of meters and connections to sewer mains will be determined by the city engineer and City Council.

(Am. by Ord. Nos. 567, 10/28/08; 568, 10/28/08; 659, 5/13/14)

## **SECTION 6-317: INSTALLATION; PERMIT REQUIRED**

Any person wishing to connect with the sewer system shall make application to the city clerk. In the event the building to be connected is new construction, the application shall be a combined application for utility service and a building permit. If the building is already in existence, the applicant shall be required to submit a separate application for connection of the sewer and/or water service. The city clerk may require any applicant to make a service deposit in such amount as he/she deems necessary, subject to the review of the City Council. Sewer service may not be supplied to any house or building except upon application and acceptance of city water service and upon the order of the City. 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.

## **SECTION 6-318: INSTALLATION PROCEDURE**

1. 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. 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 shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

2. All installations or repairs of pipes require two inspections by the City. 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 consumer's responsibility to notify the City at the time the work is ready for each inspection. All installation shall be done under the supervision of and strictly in accordance with the rules, regulations and specifications prescribed by the City.

### **SECTION 6-319: INSTALLATION EXPENSE; LICENSED PLUMBER**

1. The customer, upon approval of his/her application for sewer service, shall pay to the Sewer Department a sewer connection processing and inspection fee to compensate the City for the expense of processing the application and inspecting the connection between the applicant's private building sewer and the city's public sewer main. The customer shall, in addition to the processing and inspection fee, arrange for and pay for all costs of the work and materials to make the connection. Such connection work shall only be made by a licensed plumber.

2. The sewer connection processing and inspection fee shall be \$300.00 per connection.

### **SECTION 6-320: PLUMBING REGULATIONS**

It shall be unlawful for any person, firm or corporation to (1) engage in or conduct the business of sewer connection and house drainage; (2) excavate a trench for any sewer pipe; (3) open, uncover or in any manner make connection with or lay any sewer drain; or (4) attach to, modify or repair any appurtenances without complying with the rules and regulations of the City. Nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city sewer system.

### **SECTION 6-321: PLUMBER'S LIABILITY**

The licensed plumber who connects with the public sewer shall be held responsible for any damage to the sewers or the public ways and property. He/she shall restore all streets that he/she has excavated and make good any settlement of the ground or pavement caused by such excavation to the complete satisfaction of the City.

### **SECTION 6-322: SINGLE PREMISES**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no 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.

### **SECTION 6-323: USE OF EXISTING SEWERS**

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

### **SECTION 6-324: CONSTRUCTION CODES**

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

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

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

### **SECTION 6-325: REPAIR AND REPLACEMENT**

1. 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.

2. 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 may cause such work to be done and assess the cost upon the property served by such connection.

### **SECTION 6-326: MANHOLES; ACCESS; UNLAWFUL DEPOSITS**

Entrance into a manhole or other 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 6-327: 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 city sewer system.

### **SECTION 6-328: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE**

Where a public sanitary or combined sewer is not available under the provisions of Section 6-304 (Mandatory Hookup), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. At such time as a public sewer becomes available to a property served by a private waste-water disposal system, as provided in herein, a direct connection shall be made to the public sewer within 60 days in compliance with this article. Any septic tanks, cesspools and similar private

wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

### **SECTION 6-329: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit. 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 is deemed necessary by the City. A permit and inspection fee shall be paid at the time the application is filed.

### **SECTION 6-330: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City or its agent, who shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City 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 City.

### **SECTION 6-331: PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Health. 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 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

### **SECTION 6-332: PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE**

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

### **SECTION 6-333: PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS**

No statement contained in Sections 6-328 through 6-332 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

### **SECTION 6-334: PROHIBITED DISCHARGES; STORM, SURFACE, GROUND, COOLING AND PROCESS WATERS**

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

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City. Industrial cooling water or unpolluted process water may be discharged to a storm sewer or natural outlet on approval of the City.

### **SECTION 6-335: HAZARDOUS DISCHARGES; GENERAL PROHIBITIONS**

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

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

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in 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 such 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, etc., either whole or ground by garbage grinders.

### **SECTION 6-336: HAZARDOUS DISCHARGES; SPECIAL PROHIBITIONS**

No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely, in the judgment of the City or its agent, that such 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 or public property or constitute a nuisance. The City or its agent, in forming a judgment as to the acceptability of these wastes, will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

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° and 150° degrees F (0° 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 or greater shall be subject to the review and approval of the City.

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 degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by City for such materials.

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

7. Any radioactive wastes or isotopes of such half-life or concentration as may

exceed limits established by the City in compliance with applicable state or federal regulations.

8. Materials which exert or cause:

- A. Unusual concentrations of inert suspended solids such as, but not limited to, Fuller's earth, lime slurries, and lime residues; or of dissolved solids such as, but not limited to, sodium chloride or sodium sulfate.
- B. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
- C. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

10. Sand, mud, metal, rags, paper, whole blood, paunch manure, hair or fleshings, entrails or other solid capable of causing damage or hazard to structures, equipment and personnel of the sewer system or injure the sewage treatment process.

11. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant.

12. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.

13. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment and personnel of the city Sewer Department.

14. Any noxious or malodorous gas or substance capable of creating a public nuisance.

15. Any gasoline, benzene, naphtha, fuel oil, or explosive liquid, solid or gas.

16. Any waters or wastes having (A) a 5-day biochemical oxygen demand (BOD) greater than 300 parts per million by weight or (B) containing more than 350 parts per million by weight of suspended solids or (C) having an average daily flow greater than 2% of the average sewage flow of the City shall be subject to review. Where necessary in the opinion of the City or its agent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (a) reduce the BOD to 300 parts per million by weight or (b) reduce the suspended solids to 350 parts per million by weight or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City, and no construction of such facilities shall be commenced until said approval is obtained in writing.

17. Any interior and exterior foundation drains and cooling water.



## **SECTION 6-337: HAZARDOUS DISCHARGES; CITY'S DISCRETION**

1. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-336 and which in the judgment of the City or its agent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- A. Reject the wastes.
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require control over the quantities and rates of discharge, and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6-338.

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

## **SECTION 6-338: HAZARDOUS DISCHARGES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the said industrial concern.

## **SECTION 6-339: HAZARDOUS DISCHARGES; GREASE, OIL AND SAND INTERCEPTORS**

Grease, oil and sand interceptors shall be provided when, in the judgment of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City or its agent and shall be located as to be readily and easily accessible for cleaning and inspection.

## **SECTION 6-340: HAZARDOUS DISCHARGES; 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/her expense.

## **SECTION 6-341: HAZARDOUS DISCHARGES; CONTROL MANHOLES/SAMPLING STATIONS**

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

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

## **SECTION 6-342: COMPLIANCE; INSPECTIONS; AUTHORITY; EASEMENTS; INJURY LIABILITY**

1. The duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing of the sewer system in accordance with the provisions of this article. The City 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.

2. The duly authorized employees or agents of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

3. While performing the necessary work on the private property of any company, the duly authorized employees or agents of the City shall observe all safety rules established by said company which are applicable to the premises. The company shall be held harmless for injury or death to any city employees or agents, and the City shall indemnify the company against loss or damage to its property by city employees or agents and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

## **ARTICLE IV – GARBAGE AND SOLID WASTE COLLECTION**

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

“Building rubble” shall mean rubble from construction, remodeling and repairs on houses, commercial buildings, and other structures, including but not limited to stones, brick, plaster, lumber and waste parts.

“Demolition debris” shall mean combustible and noncombustible waste material resulting from the demolition of structures, roadways, or other paved surfaces, except hazardous or toxic substances.

“Filling” shall mean the placement, without significant voids, of building rubble and/or

demolition debris for the purpose of providing a stable raised grade on the property where it is placed, with final cover of at least 24 inches of clean dirt and seeded to prevent erosion.

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

“Health officer” shall mean the Director of the Douglas County Health Department or his/her authorized representative.

“Refuse” shall mean garbage and rubbish, except sewage, dirt, and manure, from all public and private establishments and residences.

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

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

“Yard waste” shall mean grass and leaves.

#### **SECTION 6-402: GARBAGE, TRASH AND WASTE**

1. It shall be unlawful for any person residing in a single-family dwelling to keep in, on, or about his/her premises any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in receptacles not exceeding a capacity of 35 gallons, as nearly airtight as may be practical. No person may permit garbage, rubbish, waste, or refuse to collect; and all persons shall remove the same from their property within 24 hours after being notified to do so by the police chief, who shall represent the Board of Health. Any person having leaves or grass clippings or any other garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic bag that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week.

2. See Chapter 2, Section 2-128 for prohibitions on placing lawn debris, garbage, etc., and other waste items on public or private property.

#### **SECTION 6-403: DEAD ANIMALS**

Any dead animal shall be immediately removed and buried by its owner. If the owner of such animal cannot be found within two hours after discovery of the same, then such animal shall be removed by and at the expense of the City. 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 inhabitants of the City.

#### **SECTION 6-404: COLLECTION AUTHORITY; NUISANCE**

The City Council may provide for the collection and removal of garbage or refuse which constitutes a public nuisance found upon any lot or land within its corporate limits, or upon any streets, roads or alleys abutting such lot or land. 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. (Ref. Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-

### **SECTION 6-405: COLLECTION; NOTICE; REMOVAL**

Notice that removal of garbage or refuse is necessary shall be given to each owner or 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 remove the garbage or refuse or cause it to be removed from such lot or land and streets, roads or alleys, in addition to other proper remedies. (Ref. Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

### **SECTION 6-406: COLLECTION; NUISANCE**

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 such lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with Section 6-405, if such garbage or refuse has not been removed. (Ref. Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

### **SECTION 6-407: COLLECTION; LIEN**

Whenever the City removes any garbage or refuse or causes it to be removed from any lot or land pursuant to this article, it shall assess the cost of the removal against such lot or land after a hearing conducted by the City Council. (Ref. Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

### **SECTION 6-408: SCOPE**

The provisions of this article shall apply to the corporate limits of the City of Valley and its one-mile zoning jurisdiction. (Ref. Neb. Rev. Stat. §13-2016.01)

### **SECTION 6-409: SOLID WASTE DISPOSAL; FILLING AUTHORIZATION**

It shall be unlawful to place building rubbish or demolition debris on any public or private property in a manner which conforms to the definitions of filling, or for the purpose of storage of such materials, without first obtaining written authorization from the City Council. Application for such authorization shall include:

1. Legal description of property;
2. Current ownership of property;
3. Dimensions of fill site;
4. Original and proposed final grades of project;
5. Duration of project in months;
6. Types of materials to be used in filling;
7. Estimated volume in cubic yards of building rubble and demolition debris to be used in filling.

### **SECTION 6-410: SOLID WASTE DISPOSAL; ENFORCEMENT**

The health officer shall supply the operator of an authorized fill site written guidelines for the proper operation of such fill site. The health officer is hereby authorized and directed to make such inspections as are necessary to assure satisfactory compliance with these guidelines. The fill site operator shall be notified to correct any deficiencies noted by the health officer during such inspections.

### **SECTION 6-411: SOLID WASTE DISPOSAL; PENALTY FOR VIOLATIONS**

Any person, persons, firm or corporation who violates the provisions of this article shall, upon conviction, be fined in any sum not to exceed \$250.00 or be sentenced to be imprisoned not to exceed 30 days in jail, at the discretion of the Court.

## **ARTICLE V – PENAL PROVISION**

### **SECTION 6-501: VIOLATION; PENALTY**

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.