

CHAPTER 7 – PUBLIC UTILITIES

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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

The city currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The city has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system. The City Council is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. All such rates, taxes or rent shall be a lien upon the premises or real

estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes or rent shall be on file in the office of the city clerk for public inspection. (Neb. Rev. Stat. §17-538)

SECTION 7-102: BILLING AND COLLECTIONS; DELINQUENCY

A. Utility bills shall be joint, bi-monthly bills for all utilities including water and sewer and shall be due and payable at the office of the city clerk. All meters of consumers shall be read by the water commissioner or his agent between approximately the 15th day of February, April, June, August, October and December of the bi-monthly period during which water service is used and the first day of the succeeding bi-monthly period. It shall be the duty of the clerk to compute or cause to be computed a joint bill bi-monthly according to the appropriate provisions of this code. It shall be the duty of all utilities customers to cause their payments to be mailed or to present themselves at the office of the city clerk and pay their bills for all utility charges. Bills shall be deemed delinquent if not paid by the 30th day of the month in which they are due and shall be assessed a late fee as set by resolution and filed at the office of the city clerk.

B. Upon being deemed to be delinquent, as herein defined, the city clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. Any customer who fails to pay his or her bill after receiving such demand shall be subject to discontinuance of service as provided by this chapter. The city shall assess an additional fee for resumption of service as set by resolution and filed at the office of the city clerk.

SECTION 7-103: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. No city utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded.

B. Prior to the discontinuance of service to any domestic subscriber by a city utility, the domestic subscriber upon request shall be provided a conference with the City Council. The council has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. Such procedures, three copies of which are on file in the office of the city clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The City Council shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

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

(Neb. Rev. Stat. §70-1603, 70-1604) (Am. by Ord. No. 592, 7/10/97)

SECTION 7-104: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for utilities service furnished, such amount due, together with any rents and

charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the city clerk on June 1 of each year to report to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined, and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §17-538, 17-925.01, 18-503) (Am. by Ord. No. 749, 10/8/09)

SECTION 7-105: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

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

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

C. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 7-103 of this code, any person who reconnects such service without the knowledge and consent of the city shall be deemed guilty of an offense.

D. Proof of the existence of any pipe connection or reconnection or of any injury, alteration, or obstruction of a meter as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Neb. Rev. Stat. §25-21,275 through 25-21, 278, 28-515.02) (Am. by Ord. No. 695, 10/9/03)

SECTION 7-106: DIVERSION OF SERVICES; PENALTY

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

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

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss

cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the city may recover all reasonable expenses and costs incurred on account of the bypassing, tampering or unauthorized metering including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering was proven to exist.

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

(Neb. Rev. Stat. §25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The city owns and operates the Water Department through the water commissioner. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the city treasurer.

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

(Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

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

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

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, 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 7-203: MANDATORY HOOKUP; PRIVATE NON-CITY WELLS

A. The city through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. 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 with permission from the mayor and City Council, provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide water service to persons whose property line is not within 300 feet of a water main.

C. Each building hereafter erected within 300 feet of a main shall be connected with the water system at the time of its erection. In the event any owner, occupant or lessee shall neglect, fail or refuse within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the city to make such connection, the mayor and 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 water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NONRESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the mayor and 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 nonres-

idents. (Neb. Rev. Stat. §17-537, 19-2701)

SECTION 7-205: CONSUMER'S APPLICATION; SERVICE DEPOSIT

Every person or persons desiring a supply of water must make application therefor to the city clerk, who may require any applicant to make a service deposit in such amount as set by resolution by the mayor and City Council and placed on file at the city office. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city clerk. Water shall not be supplied to any house or private service pipe except upon the order of the water commissioner. The minimum meter deposit shall be charged at initial hookup. Any meter deposit fee shall be refunded to the consumer after 24 months in good standing, with no delinquent payments, or if service is discontinued and all bills are paid in full. (Neb. Rev. Stat. §17-537, 19-2701)

SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE

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

B. In the event that a building, premises, or place is rental property, the city shall require the owner of said property, either alone or as co-signer with the tenant, to sign any written application or contract for water service. In the event of failure to timely pay water service bills by either the tenant or the owner, either of them shall be fully responsible for said bills. Any duties or obligations created by the lease of the premises shall be relevant only between the owner and tenant and shall not relieve the duty to pay.

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

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

(Neb. Rev. Stat. §17-537) (Am. by Ord. Nos. 601, 11/13/97; 752, 12/10/09)

SECTION 7-207: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential building which is connected to the public water supply system shall be lead free.

For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-208: INSTALLATION; EXPENSE; TAP FEE; METER DEPOSIT

A. The city shall pay the cost of tapping the main, installing the meter, and installing the stop box at the lot line of the customer. No person other than the water commissioner or someone duly authorized by him shall tap the water main. The customer shall pay a tap fee as set by resolution and filed in the office of the city clerk; provided, a tap for a 3/4" pipe shall be deemed to be the minimum or base tap fee. The customer shall pay a deposit fee for the meter.

B. Excluding the above costs of tapping the main, installing the meter and installing the stop box, the customer shall, at his own expense, bring water service from the main up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersement.

C. Non-residents shall pay such tap fees and installation charges in such sums as the water commissioner, pursuant to resolution of the City Council, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.
(Neb. Rev. Stat. 17-542)

SECTION 7-209: REPAIRS AND MAINTENANCE

A. 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, including the meter, shall be made by the city.

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

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the city. The city reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the city shall always have the right to place a new meter on the customer's water service fixtures at city expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the water commissioner.
(Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

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

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

(Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-211: WATER RATES

The mayor and City Council have the power and authority to fix the rates to be paid by water consumers for the use of water from the Water Department. All such rates shall be set by ordinance and placed on file for public inspection at the office of the city clerk. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall, by written order, direct the water commissioner to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §17-540, 17-542)

SECTION 7-212: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Water Department and shall faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-102 and 7-103. (Neb. Rev. Stat. §17-540)

SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION

The water commissioner or his duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

SECTION 7-214: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his or

her premises nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension, or attachment without the written permission of the water commissioner. (Neb. Rev. Stat. §17-537)

SECTION 7-215: DESTRUCTION OF PROPERTY

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

SECTION 7-216: FIRE HYDRANTS

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

SECTION 7-217: POLLUTION

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

SECTION 7-218: RESTRICTED USE

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

SECTION 7-219: BACKFLOW HAZARDS; CUSTOMER ASSESSMENT AND REPORT

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

B. At least one time every five years, customers of the city water system shall be required to assess and report potential backflow and backsiphonage hazards to the city on a form supplied by the city. The customer shall take any steps necessary for protection of public health and safety as determined by the water commissioner.

(Ord. No. 457, 8/13/92)

SECTION 7-220: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES

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

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

(Ord. No. 460, 10/8/92)

SECTION 7-221: WELLHEAD PROTECTION AREA

“Wellhead protection area” means the surface and subsurface area surrounding a water well or well field supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or well field. The City Council has designated a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are shown on the wellhead protection area map which was prepared by the Ground Water Section of the Nebraska Department of Environmental Quality in 1991. (Ord. No. 612, 7/9/98)

SECTION 7-222: WELLS; REGULATION OF DRILLING; DEFINITION

A. To protect the water level of the city and thereby to protect the public and private health, safety and general welfare of its citizens, it is necessary to restrict and prohibit the drilling of water wells within the corporate limits of the city.

B. For the purpose of this article, the term "water well" shall mean any hole drilled for the purpose of finding, pumping or producing water in any manner and shall also include any existing hole previously drilled which may be utilized for the purpose of finding, pumping or producing water in any manner and which is currently not being so utilized or operated.

(Ord. No. 455, 7/9/92)

SECTION 7-223: WELLS; PERMIT REQUIRED; APPLICATION; REGISTRATION

A. It shall be unlawful for any person or persons to dig, drill or construct a well within the corporate limits of the city without having first obtained a permit therefor from

the city. The applications for private well permits shall be submitted in writing and shall set forth:

1. Location of well.
2. Intended use of the water. No water from the private well shall be used for domestic purposes but shall be used solely for one or more of the following purposes: (a) lawn irrigation; (b) garden irrigation; (c) water source air conditioning system; (d) water source heating system.
3. Depth of the proposed well.
4. Size and kind of casing to be installed.
5. Pumping equipment to be used.
6. Name and address of well driller.

B. Such application shall be accompanied by a fee to cover the cost of inspection and study of plans, no part of which shall be refunded if the application is denied. The provisions of this section shall apply to test wells. Said fee shall be as set by the City Council and filed in the office of the city clerk.

C. No existing private water well shall be modified in any manner, including capping, without written permission from the water commissioner and approved by the City Council.

D. *The Minimum Standards for a Private Water Well in Nebraska, 1972 Edition*, is hereby adopted, and such minimum standards including all subsequent editions, amendments, supplements or appendices thereto are made a part of this section as fully as if set forth at length herein.
(Ord. No. 455, 7/9/92) (Am. by Ord. No. 594, 8/14/97)

SECTION 7-224: WELLS; CONNECTION TO CITY WATER SYSTEM

No cross-connections shall be allowed from any private water well or from the city water system to or from the sanitary or storm sewer. The water or sewer commissioner may inspect any premises when necessary to determine that no such cross-connections exist. If it is found that such a cross-connection does exist, the water or sewer commissioner shall order use of the private water well to be permanently discontinued and the installation of a backflow preventer or backsiphonage device. The owner, tenant and lessee shall be liable severally and jointly for all damages to the city water system and users caused by such cross-connections. (Ord. No. 455, 7/9/92)

SECTION 7-225: WELLS; WELL DRILLER DUTIES

Prior to commencing construction of a well within the city's zone of jurisdiction, a well driller shall take those steps necessary to satisfy himself that the person for whom the well is to be constructed has obtained a permit as required by Section 7-223 above. If a permit has not been obtained, the well driller may assist in obtaining the permit. All well drillers shall perform this work in a workmanlike manner and shall conform to the normal standards of construction in the well drilling industry. (Neb. Rev. Stat. §17-529) (Ord. No. 455, 7/9/92)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The city owns and operates the sewer system through the sewer commissioner. The mayor and 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.

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

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff surface drainage, or polluted industrial process waters into the sanitary sewer.

E. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

B. The city may furnish sewer service to persons within its corporate limits whose property line is not within 100 feet of the said public sewer with permission from the mayor and City Council, provided the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to persons whose property line is not within 100 feet of the said

public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 60 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and 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 or to collect in the manner provided for the collection of sewer bills as provided herein.

SECTION 7-305: SERVICE TO NONRESIDENTS

The Department shall not supply sewer service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to nonresidents. (Neb. Rev. Stat. §19-2701)

SECTION 7-306: CONSUMER'S APPLICATION; SERVICE DEPOSIT; CLASSIFICATION; INSPECTION FEES

A. Any person wishing to connect with the sewer system shall make application to the city clerk, who may require any applicant to make a service deposit in such amount as has been set by the mayor and City Council by resolution and placed on file at the office of the city clerk. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the commissioner. Sewer service may not be supplied to any house or building except upon the order of the commissioner.

B. For the purpose of rental fees, the mayor and City Council may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. There shall be two classes of building sewer permits: (1) for residential and commercial service and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a form furnished by the city. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the city at the time the application is filed. Such fee shall be set by the mayor and City Council and placed on file at the office of the city clerk
(Neb. Rev. Stat. §17-925.02) (Am. by Ord. No. 605, 2/12/98)

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and sewer rental rates hereinafter named in this section shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served.

B. The making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the city to which said contract both parties are bound. If the customer shall violate

any of the provisions of said contract or any reasonable rules and regulation that the mayor and City Council may hereafter adopt, the sewer commissioner or his agent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of the commissioner or his agent.

C. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the sewer commissioner, who shall cause the water service to be shut off at the said premises. If the customer should fail to give notice, he or she shall be charged for sewer service monthly until the official in charge of sewers is otherwise advised of such circumstances.

(Neb. Rev. Stat. §18-503)

SECTION 7-308: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

A. The customer, upon approval of his application for sewer service, shall pay to the city clerk a tap fee as set by the mayor and City Council by resolution and placed on file in the city clerk's office, which compensates the city for the expense of processing the application and tapping the sewer main. In addition, all new construction requiring a new tap, and any sewer renovation or alteration which exposes the sewer line, shall require installation of a backflow prevention device in the sewer line.

B. Separately from the initial tap or backflow prevention device mentioned above, any sewer service site which has experienced backflow or other sewer damage resulting in a claim for compensation by the city shall be subject to opening of the sewer line and installation of a backflow prevention device, at city expense, and in the city right-of-way, in the discretion of the city administrator, or upon order of the mayor and council. The sewer commissioner, in his discretion, may direct the customer to hire a licensed plumber to tap the main and install the backflow prevention device. The customer shall then be required to pay the expense of procuring the materials required, as well as the services of a licensed plumber, and shall pay all other costs of installation or other alteration of the line.

(Neb. Rev. Stat. §18-503) (Am. by Ord. No. 770, 11/10/11)

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

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

B. All installation repair of any part of the sewerage system shall be done under the supervision of the sewer commissioner and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material

proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines and service lines.

C. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

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

E. All installations or repairs of pipes require two inspections by the sewer commissioner: (1) when connections or repairs are complete and before the pipes are covered, and (2) after the dirt work is completed and the service restored. It is the customer's responsibility to notify the commissioner at the time the work is ready for each inspection.

(Neb. Rev. Stat. §18-503)

SECTION 7-310: INSTALLATION; CONSTRUCTION CODES

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

SECTION 7-311: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the sewer commissioner, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the commissioner shall notify the owner to make the necessary changes to conform to the provisions of the city code.

SECTION 7-312: INSTALLATION; DIRECT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. 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 aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 7-313: SEWER RATES

The mayor and City Council have the power and authority to fix the rates to be paid by sewer customers for the use of sewer service. All such rates shall be set by ordinance and placed on file for public inspection at the office of the city clerk. All sewer customers shall be liable for the minimum rate provided by ordinance.

SECTION 7-314: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Sewer Department and shall faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-102 and 7-103. (Neb. Rev. Stat. §17-540)

SECTION 7-315: USER NOTIFICATION

Each user will be notified, at least annually, with a regular bill, of the rate and that portion of the user charges ad valorem taxes which are attributable to wastewater treatment.

SECTION 7-316: REPAIRS AND MAINTENANCE

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

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

(Neb. Rev. Stat. §18-1748)

SECTION 7-317: MANHOLES

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

SECTION 7-318: DESTRUCTION OF PROPERTY

No person or persons shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7-319: PRIVATE SEWAGE DISPOSAL; PERMIT

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

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

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

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

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124 as provided in subsection (D).

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

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

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

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, exterior or interior foundation drainage or subsurface drainage to any sanitary sewer. Uncontaminated cooling water or heating water and unpolluted industrial process waters may be discharged to a sanitary sewer only if expressly authorized by the sewer commissioner. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the commissioner. Industrial cooling water or unpolluted process water may be discharged, on approval of the commissioner, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs. The costs shall be determined by the commis-

sioner with approval of the City Council.

SECTION 7-321: HAZARDOUS DISCHARGES; PRETREATMENT

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

Article 4 – Solid Waste

SECTION 7-401: POLICY AND PURPOSE

Whereas the water, land, and air of this city and state are among its most precious resources and the pollution thereof becomes a menace to the health and welfare of each person and the public in general, and whereas pollution of these resources in this city or state is likewise a concern in adjoining states, the public policy of this city is hereby declared to be:

A. To conserve the water in this city and state and to protect and improve the quality of water for human consumption, wildlife, fish and other aquatic life, industry, recreation, and other productive, beneficial uses;

B. To achieve and maintain such a reasonable degree of purity of the natural atmosphere of this city and state that human beings and all other indigenous animals and plants will flourish in approximately the same balance as they have in recent history; and to adopt and promulgate laws, rules, and regulations and enforce the same uniformly in such a manner as to give meaningful recognition to the protection of each element of the environment, air, water, and land;

C. To cooperate with other cities, counties, and states and the federal government to accomplish the objectives set forth in the Environmental Protection Act and in the Integrated Solid Waste Management Act;

D. To establish and require compliance with a system for the management of solid waste within the city with comprehensive services and a rate design which is determined by the City Council to be just and reasonable, taking into account the need to generate sufficient income from the system as a whole to guarantee both short- and long-term operation and protection of the public welfare.

(Am. by Ord. No. 482, 2/10/94)

SECTION 7-402: DEFINITIONS

Definitions as used in this article:

“Approved containers” shall be metal, plastic, or rubber containers not greater than 35-gallon capacity and equipped with lids that will properly secure, or plastic bags not exceeding 35-gallon capacity, properly tied and secured. At a commercial site only, by special arrangement with the city or the contracted hauler, dumpsters may be utilized. For limited periods, for use during construction and demolition, a dumpster may be used in a residential area.

“City solid waste jurisdiction area” shall mean all the incorporated areas of the city.

“Commercial site” shall mean a site primarily used for commercial or business purposes, used to provide a service or a product, or any other site which does not properly fall under the definition of residential site.

“Curbside pickup” shall mean pickup of solid waste, rubbish, and junk, in approved containers, from a location on a site within 6 feet of the driving surface of an appropriate street or alley.

“Customer” shall mean any owner (and any occupant, if so required by a lease, or if the owner cannot be located) of any occupied residential or commercial site which is within the city solid waste jurisdiction area.

“Excessive pickup” shall mean above and beyond basic service for the category, as defined by regulations of the city’s current garbage contractor and approved by resolution of the city. Certain items beyond the normal capability of the contractor’s equipment may be refused regular pickup and will require special arrangements by the owner.

“Garbage” shall mean rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetables, and dead animals rejected by rendering plants.

“Junk” shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or wrecked automobiles or parts thereof, and other old or scrap ferrous or nonferrous material.

“Occupied” shall mean used for any purpose other than storage, or generating on the sites any quantity or form of solid waste, rubbish, or junk.

“Refuse” shall mean putrescible and nonputrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes.

“Residential site” shall mean a site used only as a personal residence.

“Rubbish” shall mean nonputrescible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

“Service” shall mean the availability, at given site, of the solid waste, rubbish, and junk collection services established by the city and provided directly by the city or by a contractor under an agreement with the city; however, the premises shall not be held to be served if the person or entity who would otherwise be subject to such rates and charges proves to the City Council that the solid waste from the site was lawfully collected and lawfully hauled to a permitted facility. Said proof shall be provided by:

- A. A receipt from a licensed facility;
- B. A statement from a licensed hauler; or
- C. Other documentation acceptable to the City Council.

The adequacy of the proof submitted for a claimed exemption from payment for service shall be considered by the City Council at a regular meeting within 90 days of the filing of an exemption claim.

Minimum standards for documentation acceptable as proof shall include: (A) the period of time during which the waste was generated; (B) the nature of the waste; (C) the weight of the waste; (D) identification of the hauler; (E) the manner of transportation to the site receiving the waste; (F) verification of the licenses and contracts required of the hauler and the site; and (G) payment of any fees due for the disposal. Findings of the City Council, and the grant or denial of the claimed exemption, shall be made by motion and vote of the council. If the proof submitted is found to be acceptable and adequate to support exemption, any statement for city services for the period in question shall be cancelled. If the proof is found by the City Council to be unacceptable or inadequate, the statement for the city services shall be immediately due and payable and if not paid within 10 days, shall be subject to prosecution and fine, civil action for collection, or special assessment against the premises served, pursuant to sections 7-401 through 7-409 of this code and Nebraska statutes.

“Site” shall mean any location within the city which has water or sewer service provided by the city. A single physical site may be subject to more than one billing if use by more than one business or family unit is established.

“Solid waste” shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities.

“Solid waste” shall not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act, as Am., 33 U.S.C. 1251 et seq., or source, special nuclear, or by-product material as defined by the Atomic Energy Act 1 of 1954, as Am., 68 Stat. 923.

“Wastes” shall mean sewage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any air, land, or waters of the city or state.

(Am. by Ord. Nos. 483, 2/10/94; 606, 2/12/98)

SECTION 7-403: WASTE MANAGEMENT AND MOVEMENT

A. It shall be unlawful for any person to dispose of any waste generated from within the boundaries of the city solid waste jurisdiction area at any location other than a solid waste management facility holding a current permit under Nebraska law. Properly depositing waste for curbside pickup by the city or a hauler contracting with the city shall be deemed to comply with this provision.

B. It shall be unlawful for any person or entity to remove solid waste from the city solid waste jurisdiction area unless said person or entity is under contract with the city to do so.

C. It shall be unlawful for any person or entity to bring solid waste into the city solid waste jurisdiction area unless said person or entity has a permit from the city to do so. Said permit may be issued by the city clerk upon satisfactory evidence that the per-

son or entity has a site for disposal and has arranged to pay appropriate basic and excess fees for disposal of said waste. Transportation of waste through the city on normal commercial highways and routes with no intention of disposing of solid waste within the city shall not be deemed to violate this section.

D. It shall be unlawful to transport solid waste between sites within the city for the purpose of disposing of said waste on a site other than the site where it was generated.
(Am. by Ord. No. 484, 2/10/94)

SECTION 7-404: CONTAINERS; PUBLIC GROUNDS

A. It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises or any other place in the city decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in receptacles. 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, representing the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in an approved container, as defined herein.

B. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind.
(Neb. Rev. Stat. §19-2106)

SECTION 7-405: WASTE AND REFUSE COLLECTION; RATES; DELINQUENCY; LIENS; VIOLATIONS

A. The city, as justification to enter into an exclusive contract for waste collection services for all sites located within its city solid waste jurisdiction area, deems it to be in the best interest of its citizens and necessary to assure a minimum flow of solid waste to support an effective management system.

B. The city hereby levies on all residential and commercial customers the basic rates it finds to be reasonably necessary to provide basic service and support the collection system, as follows:

1. All rates shall be set by resolution.
2. All occupied residential and commercial sites shall be charged the basic rate. If a site is or becomes totally unoccupied, and thus generates absolutely no solid waste, the owner of said site may apply to the city to discontinue paying the basic rate. A request to discontinue must be received at least 30 days before responsibility for billing is to be terminated. The city must similarly be notified at least 30 days in advance of preoccupation of the site, so billing may be resumed in a timely manner.

C. In addition to basic rates, customers may be charged an additional fee for excessive amounts of solid waste and garbage, by agreement with the holder of the collection contract.

D. Refusal to pay garbage collection fees or accumulation of waste on residential or commercial property shall constitute a public nuisance and subject that customer to prosecution for maintaining a public nuisance as provided in the city ordinance governing the same.

E. Any amount that becomes delinquent in a customer's waste collection service account shall become a lien on the real estate for which the service was furnished, in the same manner as a lien for delinquent utility fees.

F. Any violations herein shall be punishable by a fine as set by the City Council and filed in the office of the city clerk; each 24-hour period of violation shall constitute a separate violation; and in addition, delinquency in payment of waste and garbage collection fees shall result in immediate disconnection of water and sewer service in the same manner as if a delinquency has occurred in each of those services.

(Am. by Ord. Nos. 485, 2/10/94; 518, 8/10/95; 547, 4/11/96; 596, 9/11/97; 661, 8/10/00; 664, 12/14/00)

SECTION 7-406: NUISANCE; REMOVAL OF GARBAGE OR REFUSE; AUTHORITY

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 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. (Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

SECTION 7-407: NUISANCE; NOTICE; REMOVAL BY CITY

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice the city, through its proper offices, shall 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. (Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

SECTION 7-408: DECLARATION OF IMMEDIATE NUISANCE

If the mayor declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse or cause it to be removed from such lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with Section 7-407 if such garbage or refuse has not been removed. (Neb. Rev. Stat. §16-230, 16-231, 16-246, 16-901, 18-1303)

SECTION 7-409: NUISANCE; REMOVAL BY CITY; HEARING; LIEN

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

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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