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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Water Department

SECTION 7-101: OPERATION AND FUNDING

The City owns and operates the Water Department through the utility superintendent. The 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. The utility superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his/her office. The superintendent 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 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 7-102: DEFINITIONS

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

“Main” shall mean 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.

“Supply pipe” shall mean 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.

“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.

“Separate premises” shall mean 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.

SECTION 7-103: MANDATORY HOOKUP; EXCLUSIVITY; NEW WELLS

All persons whose premises abut a water main shall be required, upon notice by the City Council, to hook up with the City Water Department and the City shall be the exclusive provider of water. New wells on premises which abut a water main, without being a closed loop system, are strictly prohibited except by permit from the City Council. (Neb. Rev. Stat. §17-539) (Am. by Ord. No. 1021, 1/15/13)

SECTION 7-104: INITIATION OF SERVICE; DEPOSIT

The supply of water to any particular consumer shall be conditioned upon the issuance of a building permit as required by Section 9-201, a water contract on file and the payment of any requisite fees attendant thereto. Contractors who take out building permits shall be liable under the water contract until the property is sold or a Certificate of Occupancy is issued. In addition to the above, consumers seeking new or resumed service shall be required to make a deposit in an amount set by ordinance of the City Council and placed on file at the office of the city clerk. (Am. by Ord. No. 696, 4/4/00)

SECTION 7-105: SERVICE TO NONRESIDENTS

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

SECTION 7-106: WATER CONTRACT; NOT TRANSFERABLE

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. 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.

B. The rules, regulations, and water rates named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the City, to which said contract 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 utility superintendent or his/her agent, 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 save or except by order of said superintendent or his/her agent.

C. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the

said premises is destroyed by fire or other casualty, he/she shall at once inform the utility superintendent, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the superintendent is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-537)

SECTION 7-107: INSTALLATION PROCEDURE

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the utility superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require an inspection by the building inspector when the connections are completed and before the pipes are covered. It is the customer's responsibility to notify the building inspector at the time the work is ready for 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 utility superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council. (Neb. Rev. Stat. §17-537)

SECTION 7-108: INSTALLATION; EXPENSE, MATERIALS

A. The expense of providing water service from the main to the place of distribution shall be paid by the customer. In addition to the expense of procuring the services of a plumber and paying all expenses of furnishing and installing the necessary pipe, trenching, and other labor to bring water service from the main to the place of disbursement, the consumer shall also pay a tap fee which shall compensate the City for the expense of tapping the main and installing the meter. Such fee shall be set by ordinance of the City Council and filed in the office of the city clerk, where it shall be available for public inspection during office hours. The customer shall buy from the City a suitable meter. All materials supplied by the customer shall be subject to rejection by the utility superintendent if he determines that the same are unsuitable or of a poor quality. It shall be unlawful for any person other than the utility superintendent or his duly authorized agent to tap the main.

B. All connections to the municipal water system shall be with copper pipe. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean: solders and flux, not more than 0.2% lead, and pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301)
(Ord. No. 902, 11/21/06)

SECTION 7-109: REPAIRS AND MAINTENANCE

A. The City shall repair or replace, as the case may be, the water meter. The customer at his/her own expense shall replace and keep in repair all service and supply pipe from the main to the place of disbursement. When leaks occur in service pipes, the

utility superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the utility superintendent. All water meters shall be kept in repair by the City at the expense of the City. When meters are worn out, they shall be replaced and reset by the City at the expense of the City; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his/her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the utility superintendent 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.

B. All meters shall be tested at the customer's request at his/her expense any reasonable number of times; provided, that 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. All meters will be visually read and inspected for maintenance semi-annually in the months of March and November. 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 its expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the quarterly consumption during the same quarter of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utility superintendent.

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

SECTION 7-110: WATER USE RATES; MINIMUM RATES

A. The City Council from time to time shall establish by ordinance rates and charges for providing water service to residents and other water users of the City. Such rates and charges shall be on file in the office of the city clerk, where they shall be available for public inspection during normal business hours. The clerk shall provide a copy of such rate ordinance to any person requesting the same upon payment of the cost of said copy by such person.

B. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the utility superintendent to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again. (Neb. Rev. Stat. §17-542)

SECTION 7-111: WATER BILLS

A. Water bills shall be due and payable monthly at the office of the city clerk. The utility superintendent shall read or cause to be read water meters monthly in each of the seven districts of the City. After the meter has been read, adjustments in water bills based on estimated readings shall be made. If a meter reading is not obtained within a six-month period, upon notice by certified mail, return receipt requested, a customer of the Water Department shall install a remote readout accessible to the City. The water meter and remote readout shall remain free of all barriers that would inhibit the inspec-

tion, repair, replacement, or reading of said water meter or remote readout. Where the outside remote readout is located within a fenced yard an area must be maintained free of all animals to provide for reading the water meter. In the event that a customer shall fail to make the premises available for a meter reading after receipt of an appointment notification letter or fail to install a remote readout as required above, it shall be discretionary with the city clerk to commence disconnection procedures in compliance with Section 7-301.

B. It shall be the duty of the customers of the Water Department to present themselves monthly at the office of the city clerk to pay their bills in net cash. The utility superintendent shall direct the city clerk to charge and collect from each customer for the amount of water consumed since the last actual meter reading together with any other charges, properly itemized, due the Water Department. Water bills shall be mailed on or about the 15th day of each month, due on the first day of each month, and shall be payable by the fifth of the next month.

C. Bills not paid by the fifth day of such month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the city clerk shall give a written notice to the customer of such delinquency by first class mail or in person, and shall demand payment immediately. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. In the event that the bill is not paid within seven days after the sending of said notice, it shall be discretionary with the clerk to commence disconnection procedures in compliance with Section 7-301. The clerk shall assess an additional fee in addition to the cash deposit required by Section 7-104 in the event that water is shut off for the non-payment of any water bill, to compensate the City for the additional hookup necessary to provide water service again to the delinquent customer.

D. If disconnection is made, reconnection may be made during regular working hours, upon payment of the delinquent account, plus a reconnection charge which shall be set by ordinance of the City Council and filed in the office of the city clerk, where it shall be available for public inspection during office hours.. After hours or on weekends, reconnection may be had upon payment of the delinquent account and the reconnection charge. No reconnections will be made after 9:00 P.M. until 7:30 A.M.
(Neb. Rev. Stat. §17-542, 18-416) (Am. by Ord. Nos. 354, 10/6/87; 566A, 4/16/96; 956, 7/7/09)

SECTION 7-112: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The city clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the utility superintendent on the first day of June of each year to report to the City Council a list of all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be examined and if approved by the City Council shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §17-538)

SECTION 7-113: SINGLE PREMISES

No consumer shall supply water to other families, 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 utility superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (Neb. Rev. Stat. §17-537)

SECTION 7-114: DIVERSION OF SERVICE, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE

A. It is an offense for any person:

1. To connect any pipe or conduit 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 water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;
2. To knowingly use or knowingly permit the use of water obtained unlawfully pursuant to this section;
3. To reconnect water service without the knowledge and consent of the City if the service has been disconnected pursuant to Neb. Rev. Stat. §70--1601 to 70-1615 or any section of this code; or
4. To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without the knowledge and consent of the City.

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

(Neb. Rev. Stat. §28-515.02) (Ord. No. 550, 1/16/96) (Am. by Ord. No. 820, 5/6/03)

SECTION 7-115: RESTRICTED USE

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

SECTION 7-116: 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 fire chief; or members 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 7-117: 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 7-118: INSPECTION

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

SECTION 7-119: LAW ENFORCEMENT REPORTS

It shall be the duty of city law enforcement officers to report to the utility superintendent all cases of leakage and waste in the use of water and all violations of the municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

SECTION 7-120: 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 utility superintendent.

SECTION 7-121: WORK HOURS

All taps or plumbing work done on or to the City water system shall be done between the hours of 8:00 A.M. and 4:00 P.M. (Neb. Rev. Stat. §17-537)

SECTION 7-122: SOLID WASTE DISPOSAL AREA OVER GROUND WATER SOURCE; LICENSE, BOND

A. No person, partnership, industry, corporation, governmental subdivision or agency shall operate, maintain or construct a solid waste disposal area at any place located over any ground water source which supplies drinking water to the City of Gretna, Nebraska, either within the corporate limits of the City or within five miles of the corporate limits of the City, except for a solid waste disposal area which has obtained a license as provided by this ordinance. A person, partnership, industry, corporation, governmental subdivision or any other person desiring to license to operate a solid waste disposal area shall make application therefore to the utility superintendent. The applica-

tion shall contain the name and residence of the applicant and the location of the proposed disposal area and such other information as are deemed necessary by the City. The application shall be accompanied by an operation plan. Upon filing the application, each applicant shall pay an application fee which shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours.

B. Before any solid waste disposal area shall be approved by the City, a hearing shall be held by the City Council within 45 days from the receipt of the application. The City shall publish notice at least ten days before the hearing on the application. The notice shall state the time and place of hearing, the name of the applicant for the license, and the exact location of the area.

C. The City Council shall issue a permit by resolution if it determines that the proposed operation complies with the Nebraska Environmental Protection Act, the applicant has complied with the rules set forth therein and herein, the applicant is a responsible and suitable person to conduct the business, that the area is suitable for a solid waste disposal area and the ground water source that supplies drinking water to the City will not be adversely affected. Upon such a finding, by the City Council, the utility superintendent shall issue a license to the applicant upon filing by the applicant with the city clerk a performance bond in an amount set by resolution of the City Council, on file at the office of the city clerk and available for public inspection during office hours. Said bond shall terminate one year following the last day of the license period.

D. The initial license shall be for a period of five years and may be renewed every five years for a renewal fee, provided there is continued compliance with the requirements herein. If there is not compliance during a license period, a hearing of revocation may be held in the same manner as provided in the granting of a license.

E. The procedures provided in this chapter are for the purpose of preventing pollution of the waters of the City and protecting the public health and welfare of its citizens. The following requirements shall, therefore, apply:

1. The subsoil structure shall be such that there is reasonable assurance that the leach ate from the site shall not contaminate the ground water or streams in the area or that suitable procedures to prevent such contamination will be followed.
2. Sites which because of location could affect the waters of the City and sites subject to flooding shall be avoided.
3. Surface drainage shall be diverted from the deposited waste. Drainage structures shall be provided where necessary to protect the operational integrity of the disposal area.

(Ord. No. 387, 9/19/89)

SECTION 7-123: WELLHEAD PROTECTION; INTENT

The intent of Sections 7-124 through 7-127 is to establish control by the City over the location of future potential sources of contamination within the City's public water supply wells, 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. (Ord. No.

SECTION 7-124: WELLHEAD PROTECTION; DEFINITIONS

For the purposes of Sections 7-124 through 7-126, the following definitions shall apply:

“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 ground water, monitoring ground water, water, or extracting ground water from an underground aquifer for public drinking water use.

“Well field” shall mean the location of the wells in Gretna area as follows:

A. Tax Lot Z, NE corner of SE ¼ of Section 36, Township 14N, R10E of the 6th P.M.

B. Block Seven, Lot 15, Original Town, City of Gretna.

C. South 50 feet of the west 60 feet, South Addition, City of Gretna.

(Ord. No. 534, 6/6/95)

SECTION 7-125: WELLHEAD PROTECTION; PROHIBITIONS

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 the distances set out below from any point on the boundary of the City’s public water supply wells:

Water Well (Drinking, Irrigation, Geothermal, or Injection)	1000 ft.
Sewage Lagoon	1000 ft.
Dump	1000 ft.
Sanitary Landfill	1000 ft.
Feed Lot, Feed Lot Runoff, or Animal Waste Disposal	1000 ft.
Cesspool	500 ft.
Corral or Animal Enclosure	500 ft.
Pit Toilet	500 ft.
Septic Tank	500 ft.
Sewage Treatment Plant	500 ft.
Sewage Wet Well	500 ft.
Absorption or Disposal Field for Waste	500 ft.
Land Application of Solid or Liquid Waste	500 ft.
Sanitary or Industrial Discharges	500 ft.
Chemical Storage (Dry or Liquid)	500 ft.
Petroleum Storage	500 ft.

(Ord. No. 534, 6/6/95)

SECTION 7-126: WELLHEAD PROTECTION; USE OF EXISTING FACILITIES PERMITTED

Water wells in existence and use within the restricted areas of Section 7-126, as of the effective date of Sections 7-124 through 7-127, 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 of Sections 7-124 through 7-127. (Ord. No. 534, 6/6/95)

SECTION 7-127: WELLHEAD PROTECTION; VIOLATION; PENALTY

Any person or persons found violating any provision of Sections 7-124 through 7-126 shall be subject to a fine set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. The continuation of a violation of said sections shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the City may obtain injunctive relief, suing for damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters. (Ord. No. 534, 6/6/95)

SECTION 7-128: SHARED IMPROVEMENTS; SPECIAL ASSESSMENT AGAINST OUTLOTS

A. Not less than 50% of the capital facilities charge shall be specially assessed. The capital facilities charge is a nonrefundable fee per residential lot, commercial lot or industrial site or their equivalent within or beyond the corporate limits of the City which will use the city's water system. Such capital facilities charge must be paid prior to the delivery of water to a subdivision.

B. No above special assessment shall be assessed against any outlot nor against any other lot, part of lot, land and real estate upon which cannot be built a structure compatible with the zoning regulations of said lot except to the extent of the special benefit to said lot, part of a lot, land and real estate by reason of such improvement.

C. The capital facility charges shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours.. (Ord. No. 440, 11/10/92)

SECTION 7-129: POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT

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 city water distribution system.

B. At least one time every five years, customers of the city water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the City on a form supplied by the City to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the utility superintendent. (Ord. No. 452, 3/2/93)

SECTION 7-130: BACKFLOW/BACKSIPHONAGE PREVENTION; APPROVAL STANDARDS

A. Any backflow prevention device required herein shall be an "Approved Back-

flow Prevention Device," which shall mean a device that has been manufactured in full conformance with the most current edition of standards established by the American Water Works Association (AWWA) and by the American Society of Sanitary Engineers (ASSE), which are hereby incorporated by reference in addition to all amendments thereto. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory, certifying full compliance with said standards and specifications.

B. The utility superintendent shall keep a current list of all local certified backflow operators and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this article.

C. The utility superintendent shall require a strainer of approved type and size to be installed in conjunction with a required backflow prevention device. The installation of a strainer shall preclude the fouling of a backflow device due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs or breaks, fires, or periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow prevention devices.

SECTION 7-131: BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

"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.

"Antisiphon 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 utility superintendent 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, antisiphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the utility su-

perintendent.

"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 been issued a plumbing license by the State of Nebraska and 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 Gretna operating through the utility superintendent.

"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.

"Utility superintendent" means the city utility superintendent or his/her authorized representative.

SECTION 7-132: BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

A. Any approved backflow prevention device required by this article shall be installed at a location and in a manner approved by the utility superintendent. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device(s) within 90 days of notice and as directed by the superintendent.

B. Existing backflow prevention devices approved by the utility superintendent 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 this article, but only if the devices will satisfactorily protect the public water supply system. One-hundred-percent-closing shutoff ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the utility superintendent. If the superintendent deems it necessary that an existing backflow

prevention device be replaced, it shall be replaced with an approved backflow prevention device.

SECTION 7-133: BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED

A. 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 utility superintendent a health, plumbing, pollution or system hazard exists.

B. An approved backflow prevention device shall be installed when the following conditions are found by the utility superintendent to exist:

1. 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;
2. Premises having internal cross-connections that, in the judgment of the utility superintendent, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;
3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
4. Premises having a repeated history of cross-connections being established or re-established;
5. Premises having more than one customer service connection, which could constitute a potential cross-connection.

C. 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 utility superintendent determines that no health, pollution or system hazard to the public water supply system exists:

1. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
2. Testing laboratories, film laboratories, film development facilities.
3. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
4. Food or beverage processing plants.
5. Chemical plants.
6. Metal de-greasing, plating industries, machine tool plants, die and metal processing or productions.
7. Chemical and petroleum processing or storage plants.
8. Car washes, automobile servicing facilities.
9. Lawn irrigation systems and swimming pools.

10. Laundries and dry cleaners.
11. Packing houses.
12. Power plants.
13. Premises having radioactive materials such as laboratories, industries, hospitals.
14. Rendering plants.
15. Premises having a water recirculating system as used for boilers or cooling systems.
16. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
17. Beauty salons, barbershops, massage parlors, health clubs.
18. Fire suppression systems.
19. Multi-storied buildings greater than three stories in height.
20. Schools, universities, colleges.
21. Other commercial or industrial facilities which may constitute potential cross-connection sites.

SECTION 7-134: BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS

The utility superintendent shall be relieved from personal liability. The City shall hold harmless the utility superintendent, 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 code or by reason of any act or omission of the utility superintendent in the discharge of his/her duties hereunder. Any suit brought for carrying out the provisions of the code shall be defended by the City or the City's insurance carrier, if any, through final determination of such proceeding.

SECTION 7-135: BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE

A. 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.

B. The utility superintendent 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 superintendent, then he/she shall give notice in writing to the consumer to install said devices at each recommended location. The superintendent 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 and/or a Grade 6 certified water operator. Annual testing of all backflow devices equipped with test ports shall be performed by a Grade 6 certified water operator. Certification of such testing shall be received by the City of Gretna in no case more than 30 calendar days after notification of the required test. (Pursuant to Chapter 22; Title 179 – Public Water Systems, Nebraska Department of Health & Human Services). If maintenance and repairs are deemed necessary by the Grade 6 certified water operator, the

owner shall be contacted and issued an order to make all necessary repairs or maintenance. The owner shall complete all maintenance or repairs and forward all test results to the City of Gretna in no case more than 30 calendar days after written notification; if not done, the owner shall be considered in violation of the backflow regulations and will be subject to disconnection of city water service.

C. 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.

D. For the purposes of these backflow prevention regulations, whenever the utility superintendent is to make any decisions or interpretations or whenever reference is made to the fact that the superintendent 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.

(Am. by Ord. Nos. 954, 5/19/09; 974, 1/19/10)

SECTION 7-136: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEYS AND INVESTIGATIONS

A. 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 utility superintendent 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 utility superintendent may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

B. On request by the utility superintendent, 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 superintendent 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 herein.

C. The utility superintendent 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 a premises, the utility superintendent 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 utility superintendent and arrange for another date and time for the inspection. If the superintendent and the consumer cannot agree on a date and time, then the superintendent 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 herein.

D. The City Council is hereby appointed as a hearing board to hear differences between the utility superintendent and any consumer on matters concerning interpretation and execution of the provisions of this ordinance by the superintendent. 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 utility superintendent shall be entitled to respond thereto, whereupon the hearing board shall render its decision, which will be binding upon the consumer and the superintendent.

SECTION 7-137: BACKFLOW/BACKSIPHONAGE PREVENTION; 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 cut-off 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 customer to maintain the low pressure cut-off device in proper working order.

SECTION 7-138: BACKFLOW/BACKSIPHONAGE PREVENTION; FIRE SUPPRESSION SYSTEMS

A. All proposed installations of fire suppression systems shall be reviewed by the utility superintendent to determine the appropriate type of backflow prevention device(s) required.

B. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical-grade antifreeze. The consumer shall provide to the utility superintendent a certification identifying the type of pharmaceutical-grade antifreeze which will be used. A double check valve backflow prevention device shall be installed in an approved manner.

C. A double check valve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze, but this may be done only when there are no other cross-connections.

D. All existing fire suppression systems shall meet the requirements of subsections (B) and (C) above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical-grade antifreeze has been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical-grade antifreeze has been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the utility superintendent. This also shall be done at the expense of the consumer.

E. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then a reduced pressure

zone backflow prevention device shall be installed in an approved manner.

SECTION 7-139: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS

A. The utility superintendent shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

1. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the utility superintendent.
2. It is found that the backflow prevention device has been removed or bypassed.
3. An unprotected cross-connection exists on the premises.
4. A low pressure cutoff required by these regulations is not installed and maintained in working order.
5. The utility superintendent is denied entry to determine compliance with these regulations.
6. Failure to submit mandatory, annual certified testing report.

B. The utility superintendent shall immediately, without notice to the consumer thereof, deny or discontinue the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The superintendent shall notify the consumer within 24 hours of said denial or discontinuation of service.

C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this article.
(Am. by Ord. No. 954, 5/19/09)

SECTION 7-140: PROHIBITION OF PRESSURE-REDUCING VALVES (PRV)

The installation and use of pressure-reducing valves (PRV) within the area of the City served by the Gretna Municipal Water Department is hereby prohibited by the Water Department for use in residential dwelling units unless specifically approved by the Department. Commercial applications shall be reviewed and approved on a case-by-case basis. (Ord. No. 960, 8/18/09)

Article 2 – Sewer Department

SECTION 7-201: OPERATION AND FUNDING

The City owns and operates the City sewer system through the utility superintendent. For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the City, the City Council may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the City. The revenue from the tax shall be known as the Water and Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system. The utility superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his/her office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the City Council. (Neb. Rev. Stat. §17-149, 17-925.01) (Am. by Ord. No. 661, 2/16/99)

SECTION 7-202: DEFINITIONS

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

“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° C., expressed in parts per million by weight.

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

“Building or house drain” shall mean that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

“Garbage” shall mean solid wastes from the preparation of cooking and dispensing of food and produce.

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

“pH” shall mean 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 liquid or water-carried wastes into the sewer system with which they are connected.

“Properly shredded” shall mean shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one-half inch in diameter.

“Sanitary sewer” shall mean a sewer which 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.

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

“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 drainage, but excludes sewage and polluted industrial wastes.

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

“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.

SECTION 7-203: MANDATORY HOOKUP

Upon written notice by the utility superintendent the property owner, occupant, adjacent to any sewer main shall without delay 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. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period of ten days after notice has been given to him/her to do so by registered mail or by publication in a newspaper in or of general circulation in the City, to make such connection, 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. (Neb. Rev. Stat. §17-149, 17-149.01)

SECTION 7-204: INITIATION OF SERVICE

Sewer service shall not be supplied to any particular consumer until such consumer shall have obtained a building permit as required by Section 9-201 and the payment of any requisite fees attendant thereto. In addition to the above, consumers seeking new or resumed service shall be required to make a deposit in an amount set by resolution of the City Council and placed on file in the office of the city clerk.

SECTION 7-205: SERVICE TO NONRESIDENTS

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

SECTION 7-206: SEWER CONTRACT; NOT TRANSFERABLE

A. The City through the city Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The City may also furnish sewer service to persons whose premises are situated outside the corporate limits of the City, as and when the City Council may see fit to do so. The rules and regulations hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the

part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the 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 utility superintendent, or his/her agent, may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the superintendent or his/her agent.

B. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the utility superintendent 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 official in charge of sewers is otherwise advised of such circumstances.

SECTION 7-207: DIRECT CONNECTIONS

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make such connections through one pipe.

SECTION 7-208: SPECIAL CONNECTION FEE

A. It is the intent of this section to provide for the collection of fees from certain property for sanitary sewer connection outside the city limits granted permission by the City Council to receive sewer service, to defray costs of enlarging and extending the interceptor sewer system serving such property. The sewer connection fees charged shall be in addition to other use of sewer hookup fees charged by the City.

B. The fee required by this section shall be collected by the city clerk at the time the permit for connection is granted, provided that (1) credit shall be given for the amount of prepayment, if any, for the property being connected; and (2) in the case of any prepayment by any Sanitary and Improvement District, the City shall, before any such credit be given, require from the permit applicant proof of payment to the Sanitary and Improvement District of the prepayment made by such district applicable to the property sought to be connected.

C. The interceptor sewer connection fees have been set by ordinance of the City Council and filed in the office of the city clerk, where they are available for public inspection during office hours.

(Ord. No. 949, 3/3/09)

SECTION 7-209: LICENSED PLUMBER; LIABILITY

A. It shall be unlawful for any person to engage in or conduct the business of sewer connection and house drainage, excavation of any trenches for sewer pipe, opening, uncovering or in any manner making connection with or laying any sewer drain or attaching to, modifying or repairing any appurtenances unless such person is licensed by the State of Nebraska or otherwise certified to do such work by a govern-

mental or other regulatory agency. In addition, such plumber shall comply with the directions, rules and regulations of the utility superintendent. 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.

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

SECTION 7-210: INSTALLATION EXPENSE

The customer shall at his/her own expense employ a licensed plumber, as specified in Section 7-209, to tap the main and install all necessary sewer pipe and appurtenances from the main to and including the customer's property.

SECTION 7-211: CONSTRUCTION CODES

A. 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.

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

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

SECTION 7-212: INSTALLATION PROCEDURE

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the utility superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require an inspection by the utility superintendent when the connections or repairs are completed and before the pipes are

covered. It is the customers' responsibility shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utility superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the City Council.

SECTION 7-213: OLD HOUSE SEWERS

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

SECTION 7-214: REPAIRS AND REPLACEMENT

A. The City Sewer Department may require the owner of any property which is within the City and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace 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 utility superintendent may cause such work to be done and assess the cost upon the property served by such connection.

(Neb. Rev. Stat. §18-1748) (Am. by Ord. No. 286, 9/18/84)

SECTION 7-215: CLASSIFICATION

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

SECTION 7-216: SEWER USE RATES

The City Council from time to time shall establish by ordinance rates and charges for providing sewer service to residents and other sewer system users of the city. Such rates and charges shall be on file in the office of the city clerk and shall be available for public inspection during normal business hours. The clerk shall provide a copy of such rate ordinance to any person requesting the same upon payment of the cost of the copies by such person.

SECTION 7-217: COLLECTION OF SEWER USE FEES

Sewer rental bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the Water Department shall also be applicable to delinquent accounts

with the Sewer Department.

SECTION 7-218: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer 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 sewer rent. It shall be the duty of the utility superintendent on the first day of June of each year to report to the City Council a list of all unpaid accounts due for sewer service, 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. §17-925.01)

SECTION 7-219: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

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

SECTION 7-220: 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 7-221: PROHIBITED DISCHARGES; WATERS

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. 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 utility superintendent. Industrial cooling water or unpolluted process water may be discharged to a storm sewer or natural outlet on approval of the utility superintendent.

SECTION 7-222: RESTRICTED DISCHARGES

No person shall discharge or cause to be discharged the following-described substances, materials, waters or wastes if it appears likely, in the opinion of the utility superintendent, 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 utility superintendent, in forming an opinion 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:

A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C).

B. 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 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).

C. 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 utility superintendent.

D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

E. 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 the utility superintendent for such materials.

F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the utility superintendent 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.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the utility superintendent in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.5.

I. Materials which exert or cause:

1. 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.

2. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

3. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

J. 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.

SECTION 7-223: RESTRICTED DISCHARGES; UTILITY SUPERINTENDENT'S DISCRETION

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7-222 and which in the judgment of the utility superintendent 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 superintendent may:

1. Reject the wastes;
2. Require control over the quantities and rates of discharge;
3. Require pretreatment to an acceptable condition for discharge to the public sewers; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

SECTION 7-224: HAZARDOUS AND PROHIBITED DISCHARGES; PRELIMINARY TREATMENT

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

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

B. 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.

C. 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.

D. 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.

E. 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 the review of the utility superintendent. Where necessary in the opinion of said commissioner, 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 utility superintendent, and no construction of such facilities shall be commenced until said approval is obtained in writing.

SECTION 7-225: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided when, in the opinion of the utility superintendent, 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 superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7-226: 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 7-227: COMPLIANCE WITH HAZARDOUS DISCHARGE REGULATIONS; INSPECTIONS

The utility superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, testing, 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. The utility superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.

SECTION 7-228: COMPLIANCE WITH HAZARDOUS DISCHARGE REGULATIONS; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to in Section 7-227 above, the utility superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises which have been established by the company operating on such private property. Said company shall be held harmless for injury or

death to the city employees and the City shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions.

Article 3 – Utilities Generally

SECTION 7-301: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. The City shall have the right to discontinue utility services and remove its properties if the charges for such services are not paid within seven days after the date that the charges become delinquent. 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. Service shall not be discontinued for at least seven days, weekends and holidays excluded, after notice is sent or given. As to any subscriber who has previously been identified to the City as a client by the Department of Health and Human Services (HHS), such notice shall be by certified mail and notice of such proposed termination shall be given to HHS.

B. The notice shall contain the following information:

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

for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any past-due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are clients of HHS may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

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

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

E. This section shall not apply to any disconnections or interruptions of services made necessary by the City for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §70-1602 et seq.) (Am. by Ord. Nos. 287, 9/18/84; 589, 6/3/97)

SECTION 7-302: DIVERSION OF SERVICES; CIVIL ACTION

A. For purposes of this section, the definitions found in Neb. Rev. Stat. §25-21,275 shall apply.

B. 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.

C. 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 the amount of the damage or loss is susceptible of reasonable calculation; or
2. Liquidated damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

D. In addition to damage or loss under subsection (C)(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. (Neb. Rev. Stat. §25-21,276)

E. 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.

F. 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. (Neb. Rev. Stat. §25-21,277)

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

(Neb. Rev. Stat. §25-21,278) (Ord. No. 269, 10/18/83) (Am. by Ord. No. 821, 5/6/03)

SECTION 7-303: DENIAL OF UTILITY SERVICE; WHEN PROHIBITED

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this City shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings. (Neb. Rev. Stat. §70-1601) (Ord. No. 678, 4/20/99)

Article 4 – Garbage Disposal

SECTION 7-401: GARBAGE; DEFINED

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

SECTION 7-402: RUBBISH; DEFINED

“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.

SECTION 7-403: WASTE; DEFINED

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

SECTION 7-404: GARBAGE, TRASH AND WASTE

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 as nearly air-tight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect, and all persons shall remove the same from their property within 24 hours after being notified to do so by the City’s code enforcement officer. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic bag that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week. (Neb. Rev. Stat. §19-2106)

SECTION 7-405: GARBAGE AND REFUSE COLLECTION; AUTHORITY

The City Council may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The City may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys. (Neb. Rev. Stat. §18-1303, 17-123, 17-123.01)

SECTION 7-406: GARBAGE AND REFUSE COLLECTION; NOTICE; REMOVAL

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. 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 lot or land and streets, roads, or alleys, in addition to other proper remedies. (Neb. Rev. Stat. §18-1303, 17-123, 17-123.0)

SECTION 7-407: GARBAGE AND REFUSE COLLECTION; 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 7-406 if such garbage or refuse has not been removed. (Neb. Rev. Stat. §18-1303, 17-123, 17-123.01)

SECTION 7-408: GARBAGE DISPOSAL SERVICES

Services established for the removal and hauling of garbage shall be unlawful unless

the owner has contracted with or received a license from the City Council. License applications shall be submitted as provided in Section 5-1103.

SECTION 7-409: SOLID WASTE; HAZARDOUS ITEMS AND ITEMS REQUIRING SPECIAL HANDLING OR DISPOSAL

A. No person shall put out any of the items specified below to be collected by the City solid waste collector for land disposal:

1. Yard waste, from April 1 through November 30 of each year, unless such yard waste has been separated from its source and is put out for separate collection and delivery to the landfill for the purpose of soil conditioning or composting under the conditions otherwise specified.
2. Lead-acid batteries.
3. Waste oil.
4. Waste tires in any form, except tires that are non-recyclable. Tires are not considered disposed if they meet the requirements of Neb. Rev. Stat. §13-2039.
5. Discarded household appliances.
6. Unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act.

B. Any such items shall be disposed of only as permitted under the Nebraska Integrated Solid Waste Management Act or any amendments thereof. (Neb. Rev. Stat. §13-2039)

C. For purposes of this section:

1. "Non-recyclable tire" shall mean a press-on solid tire, a solid pneumatic shaped tire, or a foam pneumatic tire. (Neb. Rev. Stat. §13-2039)
2. "Waste tire" shall mean a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. (Neb. Rev. Stat. §13-2013.02)
3. "Yard waste" shall mean grass and leaves. (Neb. Rev. Stat. §13-2016.01)

(Ord. No. 847, 6/1/07)

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 a misdemeanor 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.