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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

A. The city currently owns and operates a water supply and distribution system and a sanitary sewer disposal and treatment system. The city has the right and power to tax assets and collect from its residents such tax, rent, or rates for the use and benefit of the water used or supplied to them by the water system and for use of the sewer system. The City Council is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable. For the purpose of establishing sewer use rates, the council may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

B. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542, 18-509) (Am. Ord. Nos. 1176, 8/6/18; 1177, 8/6/18)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the city shall be required to subscribe to city utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the City Council.

SECTION 7-103: CONSUMER'S APPLICATION; DEPOSIT; TAP FEES

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. At the time any service deposit is returned to the consumer, the city will not pay any interest that may have accrued on such amount.

B. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city manager and utilities superintendent. Utility services shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

C. No applicant for the services of a public or private utility company furnishing utility services 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. §§17-537, 17-925.02, 19-2701, 70-1601)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

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

B. The making of application on the part of any applicant for the use of the city utilities by a new consumer thereof and the furnishing of utility services 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 utilities superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

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

(Neb. Rev. Stat. §17-537)

SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY

A. Water meters shall be read monthly and water usage represented by each such reading shall be billed on or about the first working day of each month. Water and sewer bills shall be due and payable by the 15th of each month and shall become delinquent on the 16th day of the same month. If the 15th or the 16th of the month shall fall on a Saturday, Sunday, or holiday, then the due date and/or delinquent date will be the first business day after the weekend or holiday. It shall be the duty of the customer to pay the water or sewer bill in net cash at the administrative office of the city or by using the city's online pay service, on or before the date the charges for water or sewer usage shall become delinquent.

B. Bills not paid by the 16th day of the month shall be deemed to be delinquent and shall be subject to a penalty charge added thereto in an amount set by resolution of the City Council and kept on file at the office of the city clerk. In the event that any water or sewer service account shall become delinquent for a period of 30 days, then the city shall give written notice to the customer as set forth in Section 7-106 (Discontinuance of Service). All penalties and procedures concerning delinquent accounts are

set forth in Sections 7-106, 7-107, and 7-108.

(Neb. Rev. Stat. §§17-538, 17-542, 70-1605) (Am. Ord. Nos. 1176, 8/6/18; 1177, 8/6/18)

SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

The following procedures shall govern the disconnection of water service:

A. *Right to Disconnect.* The Water Department may disconnect water utility service for any of the following reasons:

1. Failure to comply with applicable provisions of federal, state, or municipal law, statute, ordinance, or regulation of policy.
2. Violation of the ordinances or regulations pertaining to utility service.
3. Nonpayment of past or present utility bills.
4. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, and appliances, or otherwise.
5. Tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
6. Theft or diversion and/or use of service without payment therefore.
7. Vacancy or abandonment of premises.

B. *Delinquent Bills.*

1. All utility bills are mailed on the first day of every month and are due the 15th of each month.
2. Bills are considered delinquent on the 16th of each month and are subject to disconnection of services.
3. A disconnect notice will be mailed to all utility customers that have had a delinquent balance for more than 30 days.
4. Disconnection for non-payment will occur on the last business day of each month. If this day falls on a holiday or a weekend, disconnection will occur on the next business day.

C. *Service Disconnect Notice.*

1. Before disconnection of utility services, the city clerk shall give notice by first class mail to the customer whose utility service is to be disconnected. Such mail will be conspicuously marked as to its importance. The city clerk shall also notify all property owners that have renters receiving service disconnect notices.
2. The city clerk will provide third party notice if requested by the customer. Any customer who has previously been identified as a welfare recipient to the utility by the Department of Social Services shall be served notice by

certified mail and notice of such proposed termination shall be given to Social Services. All third party notices will be served by first class mail.

D. *Contents of Disconnect Notice.* The disconnection notice, by state law, must contain at least the following information.

1. The reason for the proposed disconnection.
2. A statement of intention to disconnect unless the customer either pays the bill or reaches an agreement with the Water Department regarding payment of the bill.
3. The date upon which service will be disconnected if the customer does not take appropriate action.
4. The name, address and telephone number of an employee designated by the Water Department to whom a customer may address inquiry or complaint.
5. A statement of the customer's right, prior to the disconnection date, to request a conference regarding any dispute over the proposed disconnection.
6. A statement that the Water Department may not disconnect utility service until the conference is concluded.
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 customer or resident within such customer's household has an existing illness or handicap which would cause such customer or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate must be filed with the Water Department within five days of receiving notice of disconnection and will prevent the disconnection of utility service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed for each incidence of nonpayment of any due account.
8. A list of all payments and costs that must be remitted to the Water Department for reconnection, including any reconnect charges and payment of all past due accounts.
9. A statement that the customer may arrange with the Water Department for an installment payment plan.
10. A statement to the effect that those customers who are welfare recipients

may qualify for assistance in payment of their utility bills and that they should contact their caseworkers in that regard.

E. Installment Agreement.

1. The balance of a past due account must be made by the date given in the notice of disconnection sent to the delinquent utility account customer, unless an installment agreement has been accepted by the city manager.
2. No extension of time to pay will be given over the phone. Customers with delinquent accounts must appear in person to apply for an installment agreement. Exceptions will only be made for persons with illnesses or handicaps that prevent them from leaving their homes. Presentation of a certificate from a duly licensed physician certifying that the customer is unable to appear in person is required.
3. The installment agreement will require payments that total all past due amounts plus the current bill and must be paid in full before the current due date.
4. Failure of the utility customer to abide by the approved installment agreement will result in disconnection of services without any further notice from the Water Department.
5. No utility customer will be allowed to enter into an installment agreement more than three times in a 12-month period.
6. If a utility customer entering into an installment agreement with the Water Department is a renter, the Water Department will send a copy of the installment agreement to the owner of the property.

F. Conference with Utility Customer.

1. To request a conference, a customer must notify the city manager in writing and state the reason for disputing the proposed discontinuance of service and the relief requested. Upon a written request for a conference, the city manager will:
 - a. Schedule the conference within 14 days of receipt of customer's request for conference; and
 - b. Notify the customer in writing of the time, place, and date scheduled for the conference.
2. Failure by the customer to attend the conference shall relieve the Water Department of any further action prior to the disconnection of utility ser-

vice. The customer may, prior to the scheduled conference, give good and sufficient reason why he or she will be unable to attend the conference at the appointed time and date. The city manager shall make a reasonable effort to reschedule the conference.

3. The city manager shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any decision by the Water Department involving a disputed bill which results in a threatened termination of utility service. The employee shall allow disconnection of utility service only when all less drastic remedies have been exhausted.
4. If the city manager determines at the conference that the customer did not receive proper notice or was denied any other right afforded to the utility customer by state or municipal statute, the city manager shall recess and continue the conference at such time as the customer has been afforded his or her rights.

G. *Repairs.* Interruptions of service or disconnections made pursuant to repair, maintenance, health or safety reasons shall not constitute a disconnection for the purposes of this policy.

H. *Reconnection of Services.*

1. Any utility customer's service terminated for nonpayment may not be reconnected until the following obligations are met:
 - a. Pay all past due amounts on the account;
 - b. Pay the reconnection fee; and
 - c. Pay current bill.
2. The customer must make full payment during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. Payments must be in cash, check, credit card, or money order.
3. Normally, service will be restored only during regular business hours. However, service can be restored after hours if the customer or other occupant of the premises has an existing illness or disability or would suffer an immediate or serious health hazard if the service were to remain off. A physician's certificate, certifying that this person's condition does exist, must be picked up by the service person before service will be reinstated. The customer must pay an after-hours' call charge in addition to any other payments required to reconnect service.

(Ref. Neb. Rev. Stat. §70-1605 et seq.) (Am. Ord. No.1148, 09/10/15)

SECTION 7-107: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to

the city for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the city clerk to report on monthly to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-108: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-106 of this code shall be deemed guilty of an offense.

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

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §§25-21,275 through 25-21, 278, 28-515.02)

SECTION 7-109: DIVERSION OF SERVICES; PENALTY

A. The city may bring a civil action for damages against any person who com-

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

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

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

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

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

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

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

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

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

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

B. The public works director and the utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of their respective offices. They 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 manager and/or the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.

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

SECTION 7-202: DEFINITIONS

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

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

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

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

"Plumbing code" shall refer to the most recent edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business. Any other property using the same service or supply pipe is to be considered a separate premises for billing and installation of a separate water meter.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to

the location on the premises where the water is to be dispersed.

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

SECTION 7-203: MANDATORY HOOKUP

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

B. The city may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide water service to persons whose property line is not within 300 feet of the said main.

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

D. Private wells previously constructed and operating prior to the city's establishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health.
(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NON-RESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Non-residents shall pay such tap fees as have been set by the council by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the city to provide water service to non-residents. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-205: SEPARATE PREMISES

No consumer shall supply water to other persons or families or allow them to take water from his or her premises. Each tenant or lessee shall be responsible for all water service used in any space rented or leased by him or her. Each separate apartment or other leased premises shall be deemed to be a separate user of the municipal water supply and shall be required to pay any deposit and use fees as established by resolution of the City Council and kept on file in the office of the city clerk.

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

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Am. Ord. No. 1157, 4/14/16)

SECTION 7-207: WATER METERS REQUIRED; LAWFUL USE

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

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

A. The city shall provide the tapping of the water main, installing the meter, and the fixtures up to and including the curb stop and curb stop box. Any consumer desiring a water meter larger than one inch shall pay the cost of providing, installing and maintaining said meter. No person other than the utilities superintendent or his duly authorized agent shall tap the main. The customer shall pay a tap fee as provided in Section 7-103 in such sum as the public works director shall require in each case, pursuant to resolution of the City Council. The customer shall pay a deposit fee for the meter as set by resolution of the council. Meter installation procedures are provided in Section 7-209.

B. Excluding the above costs of tapping the main, installing the meter and installing the stop box, the customer shall, at his or her own expense, bring water service from the main up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersion. Only the utilities superintendent or authorized employee may turn on the curb stop to supply water service to the premises.

C. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the public works director and utilities su-

perintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises.

(Neb. Rev. Stat. §17-542)

SECTION 7-209: WATER METERS; INSTALLATION

A. All meters 3/4 inch and 1 inch shall be furnished by the city at no expense to the customer and shall be the property of and maintained by the city. All meters larger than 1 inch shall be furnished by the customer at his or her expense. After installation, the meter shall become the property of and maintained by the city.

B. All water meters, whether new installation or replacement, shall be the remote reader type, including meters larger than 1 inch.

C. Location and placement.

1. On new installations, the remote shall be located as close as possible to the electric meter on the outside of the building or structure. The meter shall be located directly next to the main water shut-off valve and shall have a valve on both sides of the meter. Every meter in a new installation shall be mounted in the horizontal position with its face upward to ensure accurate measurement of water and to extend the life of the meter as much as possible. Most meter manufacturers recommend horizontal mounting to reduce excessive and premature bearing wear. The wire for the remote on a new installation shall be run inside the wall or ceiling to put it out of direct eyesight and shall be run through conduit from inside to the outside wall.
2. In existing houses, the utility personnel shall run the wire for the remote in the easiest and neatest manner possible to a location where the remote will not clutter the appearance of the building. The wire for a remote shall be securely fastened to the outside of the building where necessary to connect to the meter. Whenever the meter piping is changed in an existing building, the meter will be installed in the horizontal position for reasons stated in subsection (A) herein.
3. All meters shall be placed in such a manner and be readily accessible so as to facilitate repair, replacement and/or testing. Placement of a meter pit shall be approved by the public works director and/or utilities superintendent or their duly authorized agent. For each pit, the customer shall furnish a 4-inch post that extends at least 4 feet above the ground, to which the remote reader shall be attached. Meter pits shall be constructed in such a way as to keep the meter safe from damage.

D. Curb stop; bypass.

1. No water shall be turned on for new service until all previous meter requirements are met and approval is received from the utilities superintendent or his or her authorized representative. Each outside shut-off (curb stop) shall be placed in a small cement pad measuring 1 foot by 1 foot and left at or above ground level after installation to facilitate its use in case of an emergency. This policy shall apply to all new installations.
2. All service pipe over 1 inch shall have a bypass to permit water use if the meter has to be removed for any reason. The bypass shall only be sealed by and operated by utility personnel.

SECTION 7-210: REPAIRS AND MAINTENANCE; PIPES; METERS

A. Repairs to all pipe except the main shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, including the meter, shall be made by the city.

B. It shall be the responsibility of the user or property owner to ensure the safety of the water meter and remote reader. He or she shall keep the meter from freezing or any other external physical damage which would cause the meter or remote to be replaced. The cost to the property owner for a damaged water meter or remote reader will be the current replacement cost. The property owner will also be liable for the wire hookups to the meter and remotes. After the services are rendered, the service charge, as set by resolution of the City Council and kept on file at the office of the city clerk, will be included on the customer's next bill.

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

(Neb. Rev. Stat. §17-537) (Am. Ord. No. 2009-01, 1/8/09)

SECTION 7-211: PLUMBER'S LIABILITY

A. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the waterworks or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipefitter shall have first procured a license from the State of Nebraska.

B. All work by plumbers shall be done in the manner required by the public works director and/or utilities superintendent and shall be at all times subject to the inspection and approval by him. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the public works director. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-212: INSTALLATION OR REPAIR PROCEDURE

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

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the public works director or his duly designated employee shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer. All installations of plastic or non-metal pipes shall have metal-locate tape affixed thereon for location purposes.

C. All installations or repairs of pipes require two inspections by the public works director and/or utilities superintendent: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the public works director and/or utilities superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the public works director and/or utilities superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. (Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-213: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer notifies the city clerk to direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-214: BILLING AND COLLECTIONS

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

SECTION 7-215: RIGHT OF ENTRY FOR INSPECTION

The public works director and utilities superintendent or their duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water and to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The public works director and/or utilities superintendent shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises to correct, within a reasonable time set by the public works director and/or utilities superintendent, any plumbing installed or existing contrary to or in violation of this section and which, in his judgment, may therefore permit the pollution of the city water supply or otherwise adversely affect the public health. (Neb. Rev. Stat. §17-537)

SECTION 7-216: 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 city manager.

SECTION 7-217: 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 (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-218: 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 7-219: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING

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

B. The customer shall make application to the utilities superintendent to install a required backflow preventer on a form provided by the city. The application shall

contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow preventer to be installed, including brand and model number. The utilities superintendent shall approve or disapprove the application based on his opinion of whether such installation will protect the city water distribution system from potential backflow and cross-connection hazards.

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

D. Every backflow preventer equipped with a test port shall be tested as often as required by the city but at least once each year by a Grade 6 water operator, with test results certified to the city as often as required but in no case more than 30 calendar days after the test. Such certification shall be made on a form available at the office of the city clerk.

E. All customers of the Water Department shall be required to report to the utilities superintendent at least every five years any potential backflow hazards which may be on their premises.

F. Any decision of the utilities superintendent may be appealed to the City Council.

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

A. Under no circumstances shall the City Council approve any permit to drill or operate any of the below-described facilities within the indicated number of feet from the city water wells.

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

(Nebraska DHHS 4/4/10)

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the city or its extraterritorial jurisdiction without first having obtained the proper permit from the City Council. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the city. Such application must be presented to the council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the council must approve or deny said permit. No private well shall be modified in any manner without application for a well permit. The application to drill a private well shall set forth:

1. Location of the proposed well;
2. Intended use of the water;
3. Depth of proposed well;
4. Size and kind of casing to be installed;
5. Pumping equipment to be used;
6. Name and address of well driller.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the city and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 of this code. In addition thereto, any person violating any of the terms of these regulations is hereby determined to be guilty of a Class III misdemeanor as the same is defined by Nebraska law for the violation of a Class III misdemeanor.

D. No water from any private well drilled after the effective date of this section shall be used for domestic purposes governed by the other sections of this code.
(Am. Ord. No. 1143, 7/11/13)

SECTION 7-221: DRILLING PERMITS; AUTHORITY TO REFUSE

The City Council shall have the power and authority to refuse to issue well drilling permits if it appears that (A) the plan of drilling and construction is not sound; (B) the proposed driller does not have the proper equipment; or (C) such well may endanger, impair or in any way interfere with the city water system.

SECTION 7-222: RESTRICTED USE

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

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

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

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

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

"Public works director" shall mean the superintendent of the city sewage system or his authorized deputy, agent or representative.

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

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

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

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

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

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

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

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

B. It shall be unlawful to discharge to any natural outlet within the city, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. It shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank, or other similar facility intended or used for the disposal of sewage.

D. Storm water and all other unpolluted drainage including surface water, sub-surface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the public works director and/or utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the public works director and/or utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs, which shall be as determined by the public works director and/or utilities superintendent. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ten days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The city may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §§17-149.01, 18-503)

SECTION 7-305: SERVICE TO NON-RESIDENTS

The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Non-residents shall pay such tap fees as have been set by the council by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to

obligate the city to provide sewer service to non-residents. (Neb. Rev. Stat. §§18-508, 19-2701)

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the city clerk, as provided in Section 7-103, which compensates the city for the expense of processing the application and tapping the sewer main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation, including employment of a licensed plumber to tap the main and install sewer service. (Neb. Rev. Stat. §18-503)

SECTION 7-307: REPAIRS AND MAINTENANCE

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

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Sewer Department shall complete the work and charge the cost of such repairs or replacement to the customer. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the public works director and/or utilities superintendent, provided the same have been previously approved by the City Council.
(Neb. Rev. Stat. §18-1748)

SECTION 7-308: PLUMBER'S LIABILITY

A. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the sewer system or to make any connection with or extension of the sewer pipes of any customer until such plumber or pipefitter shall have first procured a license from the State of Nebraska.

B. All work by plumbers shall be done in the manner required by the public works director and/or utilities superintendent and shall be at all times subject to the inspection and approval by him. Plumbers who connect with the public sewer system shall be held responsible for any damage to the pipes or the public ways and property and shall

restore all excavated streets to the complete satisfaction of the public works director and/or utilities 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. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.

(Neb. Rev. Stat. §17-537)

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

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

SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS

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

SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the public works director and utilities superintendent for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into

the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-313: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance. (Neb. Rev. Stat. §18-509)

SECTION 7-314: BILLING AND COLLECTIONS

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

SECTION 7-315: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is 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 7-316: DESTRUCTION OF PROPERTY

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

Article 4 – Solid Waste

SECTION 7-401: CONTRACT FOR COLLECTION AND DISPOSAL

The city shall contract for the collection and disposal of nonhazardous solid waste from residential, commercial, institutional, and governmental premises. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility meeting all state and federal criteria. (Neb. Rev. Stat. §19-2106)

SECTION 7-402: CONTRACTOR; SPECIAL RATES

The contractor shall have charge of the collection of garbage, trash, and refuse within the corporate limits. Transportation and collection thereof shall be made from all premises as scheduled by the contractor only. The material shall be properly stored for collection in closed or covered containers. Should the amount of garbage from an establishment or place exceed the normal amount for such place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the contractor shall recommend to the City Council the establishment of a special rate for such customer.

SECTION 7-403: NUISANCE; ABATEMENT

A. It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises or any other place within the city any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in approved receptacles, not exceeding a 20-gallon capacity, as nearly airtight as may be practical.

B. No person shall permit garbage, refuse, or rubbish to accumulate. All persons shall remove the same within 24 hours after being notified to do so by the Board of Health. Any person having garbage, rubbish, waste or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening. The contents of all garbage cans shall be removed at least once a week in residential premises and twice a week in commercial premises. All building materials shall be removed by the property owner.

C. It shall be unlawful and declared to be a nuisance to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, or rubbish of any kind.

(Neb. Rev. Stat. §§17-123.01, 19-2106)

SECTION 7-404: DEAD ANIMAL DISPOSAL

All dead animals shall be immediately removed and buried by the owner of such ani-

mals and, if the owner of such animal cannot be found within two hours after discovering the same, then such animal shall be removed by the city at the expense of the owner. Dead animals shall not be buried within the corporate limits of the city, nor within one mile thereof, nor in or above the course of ground water that is used for drinking purposes by the city or its inhabitants.

SECTION 7-405: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING

A. Any person, firm, or corporation within the city generating or creating hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.

B. "Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128, *Rules and Regulations Governing Hazardous Waste Management in Nebraska*, which for purposes of general definition is a solid waste which, because of quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(Neb. Rev. Stat. §81-1516)

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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