

CHAPTER 172: PUBLIC WORKS

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WATER DEPARTMENT**§ 172.001 OPERATION AND FUNDING.**

The municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The governing body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal 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 Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his or her office. The Utilities 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 governing body. The governing body 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 Municipal Clerk for public inspection at any reasonable time.

(Prior Code, § 3-101) (Ord. 487, passed 11-18-08)

§ 172.002 DEFINITIONS.

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

CURB STOP. Shut-off valve between the customer meter and the supply line from the water main.

CURB STOP BOX. Enclosure or housing that contains the curb stop. Often cast iron and comprised of a removable lid.

DOMESTIC WATER WELL. A water well providing water to any water supply system furnishing water for human consumption other than a municipal water supply system.

FIRE HYDRANT. An upright metal casting connected to a water supply system and equipped with one or more valved outlets for the purpose of supplying water for fire fighting.

GATE VALVE. A stop valve which closes a pipe to the flow of fluid by means of a plate which moves in a plane at right-angles to the direction of flow.

GEOHERMAL WELL OR CLOSED LOOP HEAT PUMP WELL. A well constructed for the purpose of installing the underground closed loop necessary to circulate fluid from a closed loop heat pump system.

IRRIGATION WELL. A well constructed for the purpose of irrigating plants.

METER. A device that measures levels and volumes of supplied utility.

METER VAULT. Enclosure or housing that contains the water meter. Often constructed of cast iron, PVC or concrete and comprised of a removable lid.

MUNICIPAL WATER WELL. A water well that is part of a public water supply system that supplies drinking water to at least 15 service connections used by year round residents or regularly supplies drinking water to 25-year round residents.

POTABLE WATER. Water that is safe for human consumption as determined by the Nebraska Health and Human Services System, Title 179, Regulations Governing Public Water Systems.

SEPARATE PREMISE. The term “separate premise” is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building, or structure used for a separate business.

SERVICE CONNECTION. Any pipe extending from a curb stop to the customers dispersement location.

SUPPLY LINE. Any pipe tapped into a water main that extends from that water main to the curb stop of a customer.

UTILITIES SUPERINTENDENT. The individual or individuals responsible for the continued performance of the water supply system or any part of such system, during assigned duty hours.

VALVE. Device to control the flow of water.

WATER MAIN. A pressurized water pipe that is part of a system providing potable water to the public, but is not a privately owned service connection.

WATER METER. An instrument for measuring and recording water volume.

WATER WELL. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from or injecting fluid as defined in Neb. RS 81-1502 into the underground water reservoir.

WELLHEAD PROTECTION AREA. A protected surface and subsurface zone surrounding a well or well field supplying a public water system to keep contaminants from reaching the well water. (Prior Code, § 3-102) (Ord. 487, passed 11-18-08)

§ 172.003 CONSUMER'S APPLICATION.

Every person or persons desiring a supply of water must make application therefore to the municipality. An initial non-refundable application fee, which shall be set by the municipality, shall be paid by the applicant on their first billing. The municipality may require any applicant to make a service deposit in such amount as has been set by the governing body and placed on file at the office of the Municipal Clerk. Water may not be supplied to any house or private service pipe except upon the order to the Superintendent. The department shall not supply water service to any person outside the corporate limits without the specific consent of the governing body; 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 municipality to provide water service to non-residents.

(Prior Code, § 3-103) (Ord. 487, passed 11-18-08)

§ 172.004 WATER CONTRACT.

The municipality 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 municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the governing body may see fit to do so. The rules, regulations, and water rates hereinafter named in this title, 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 municipality, 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 governing body may hereafter adopt, the Utilities Superintendent or his or her agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made except by order of said Superintendent or his or her agent.

(Prior Code, § 3-104) (Ord. 487, passed 11-18-08)

§ 172.005 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 or disposal of in accordance with all applicable local, state and federal rules and regulations. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade(s), 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 without prior arrangements with the Utilities Superintendent, the Utilities 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 two inspections by the Utilities Superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored; however, prior to replacing concrete/asphalt/brick street and concrete sidewalks. It is the customer's responsibility to notify the Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Utilities Superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the governing body. (Prior Code, § 3-105) (Ord. 487, passed 11-18-08)

§ 172.006 INSTALLATION EXPENSE.

(A) *Within corporate limits:*

(1) Upon payment of a tap fee which shall be set by the municipality and the expense of the water meter which shall be set by the municipality, the municipality shall allow the consumer to connect to the city owned water main. The consumer shall then pay the cost of the pipe saddle, corporation stop, pipe from the corporation stop to the place of disbursement, curb stop, and curb stop box, and the cost of the installation of all materials. The municipality shall supervise the installation of the corporate stop in the main. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from said main to the place of disbursement.

(2) Either copper, galvanized iron, or plastic service pipe with minimum 18 gauge insulated tracer wire may be used at the option of the consumer, and must be at least 1/8-inch larger in diameter than the tap through which it is supplied. All copper, iron or plastic pipe with minimum 18 gauge insulated tracer wire must have sufficient strength to sustain a pressure of not less than 200 pounds to the square inch; and at the point of connection by the corporation cock and supply pipe there must be a copper goose-neck bend sufficient in length in the judgment of the Utilities Superintendent to protect the corporation cock from any strain from expansion or otherwise. All tap and connection from the water main must be made by the Utilities Superintendent or under his or her supervision, and all expenses thereof must be paid by the consumer or applicant.

(3) In cases of multiple connections off of any supply line there will be a curb stop and box located at the property line of each consumer receiving service off of the supply line.

(4) In the event a three-inch or larger meter is installed, a compound meter shall be installed at the expense of the consumer.

(B) *Outside corporate limits:*

(1) Upon payments of a tap fee which shall be set by the municipality and the expense of the water meter which shall be set by the municipality, the municipality shall allow the consumer to connect to the city owned water main. The consumer shall then pay the cost of the pipe saddle, corporation stop, pipe from the corporation stop to the place of disbursement, curb stop, and curb stop box, and the cost of the installation of all materials. The municipality shall supervise the installation of the corporation stop in the main. The consumer shall be required to pay the expense of procuring the services of a license plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from said main to the place of disbursement.

(2) Either copper, galvanized iron, or plastic service pipe with minimum 18 gauge insulated tracer wire may be used at the option of the consumer, and must be at least 1/8-inch larger in diameter than the tap through which it is supplied. All copper, iron or plastic pipe with minimum 18 gauge insulated tracer wire must have sufficient strength to sustain a pressure of not less than 200 pounds to the square inch; and at the point of connection by the corporation cock and supply pipe there must be a copper goose-neck bend sufficient in length in the judgment of the Utilities Superintendent to protect the corporation cock from any strain from expansion or otherwise. All tap and connection from the water main must be made by the Utilities Superintendent or under his or her supervision, and all expenses thereof must be paid by the consumer or applicant.

(3) In cases of multiple connections off of any supply line there will be a curb stop and box located at the property line of each consumer receiving service off of the supply line.

(4) In the event a three-inch or larger meter is installed, a compound meter shall be installed at the expense of the consumer.

(Ord. 545, passed 3-15-16)

Statutory reference:

Supply line, see Neb. RS 17-542

§ 172.007 REPAIRS.

Repairs to the supply line and service line, curb box and stop box shall be made by and at the expense of the customer. All meters and repairs to the meters will be furnished by the municipality's Water Department. New construction or repairs must be inspected by the Utilities Superintendent. It is the obligation of the customer or his or her plumber doing the work to notify the city of the improvement or repairs. When meters are worn out, they shall be replaced and reset by the municipality at the expense of the municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Utilities 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, fire, hot water, or overload shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer 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 municipality. The municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a customer'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, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Utilities Superintendent.

(Prior Code, § 3-107) (Ord. 487, passed 11-18-08)

§ 172.008 MINIMUM RESIDENTIAL AND COMMERCIAL WATER RATES.

(A) All single-family residential and not-for-profit (defined as exempt from Nebraska income tax) water consumers shall be liable for the rates and charges established by the municipality for water usage per month unless and until the consumer shall, by written order, direct the Utilities Superintendent to remove the water meter, in which case they shall not be liable thereafter for water rental until the water meter is reinstalled.

(B) Commercial water users shall include all multi-tenant dwellings (for example, apartments, duplexes, four-plexes) and businesses. All such commercial water consumers shall be liable for the rates and charges established by the municipality for water usage per month unless and until said commercial user shall by written order direct the Utilities Superintendent to remove the water meter, in which case they shall not be liable thereafter for water rental until the water meter is reinstalled.

(C) In cases when the consumer desires to have the water meter removed for an extended period of time, the consumer shall be charged a fee which shall be set by the municipality to remove the water meter and the same fee set by the municipality will be charged to reinstall the water meter.

(D) When water is used for a special purpose not contemplated herein by the foregoing schedule, the rates and/or charges for such use shall be fixed specially by the Mayor and Council in such case by written contract.

(E) The funds collected from the operation, maintenance, replacement, and mandated rate shall be used only for operation, maintenance and replacement of the water system facilities. Any amounts left in this Fund at the end of the fiscal year must be carried over in this Fund. The rates and charges for the Operation, Maintenance, Replacement and Mandated Fund may be reviewed annually for adequacy and adjustment made, if necessary.

(Prior Code, § 3-108) (Ord. 487, passed 11-18-08)

§ 172.009 WATER BILLS AND DELINQUENT ACCOUNTS.

(A) Water bills shall be due and payable monthly at the office of the Municipal Clerk. The Utilities Superintendent shall read or cause to be read water meters monthly. It shall be the duty of the consumers of the Water Department to pay their bills monthly at the office of the Municipal Clerk.

(B) The Utilities Superintendent shall direct the Municipal Clerk to charge and collect from each consumer for the amount of water consumed since the last examination together with any other charges, properly itemized due the Water Department.

(C) Bills shall be due upon receipt and shall be payable by the tenth day after the billing date. Bills paid after the tenth day shall be deemed delinquent and shall have a processing charge as established by the municipality added to the amount of the billing. In the event that a consumer requests an extension for time to pay said bill of not to exceed ten days, then an additional processing charge as established by the municipality shall be added to the amount of the billing in addition to the delinquent charge set forth above. Said amount shall also be charged to those delinquent account situations where the shut-off cannot be accessed or located if said account is delinquent and not paid within ten days after the date of such delinquency.

(D) The Utilities Superintendent shall assess an additional fee as determined by the municipality in the event that water is shut off for the nonpayment of any water bill, to compensate the municipality for the additional hook-up necessary to again provide water service to the delinquent customer, and if it becomes necessary to perform this service before or after regular working hours, the fee shall be determined by the municipality. Said additional charges shall be credited to the Water Fund.
(Prior Code, § 3-109) (Ord. 487, passed 11-18-08)

§ 172.010 NORTH BEND RURAL FIRE DISTRICT.

The North Bend Rural Fire District shall be charged an annual water and sewer usage fee to be established by the municipality.
(Ord. 487, passed 11-18-08)

§ 172.011 LIEN.

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 charges for water service furnished together with such water rates, taxes, or rent assessed for water.
(Prior Code, § 3-110) (Ord. 487, passed 11-18-08)

§ 172.012 SINGLE PREMISE.

No consumer shall supply water to other families, or allow them to take water from his or her premise, 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 premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent.

(Prior Code, § 3-111) (Ord. 487, passed 11-18-08)

§ 172.013 RESTRICTED USE.

The governing body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause, or due to water supply shortages related to drought, mechanical failure with water supply wells and/or treatment facilities, or other circumstances over which the municipality has no control. The municipality 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 municipality has no control.

(Prior Code, § 3-112) (Ord. 487, passed 11-18-08)

§ 172.014 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 Municipal 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.

(Prior Code, § 3-113) (Ord. 487, passed 11-18-08)

§ 172.015 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 Municipal Water Department.

(Prior Code, § 3-114) (Ord. 487, passed 11-18-08)

§ 172.016 MANDATORY HOOK-UP.

All persons within 300 feet of a water main shall be required, upon notice by the governing body, to hook-up with the municipal water system.

(Prior Code, § 3-115) (Ord. 487, passed 11-18-08)

§ 172.017 WATER SERVICE CONTRACT.

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 premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he or she shall be charged for all water used on the said premise until the Utilities Superintendent is otherwise advised of such circumstances. (Prior Code, § 3-116) (Ord. 487, passed 11-18-08)

§ 172.018 INSPECTION.

The Utilities Superintendent, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise 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 water.

(Prior Code, § 3-117) (Ord. 487, passed 11-18-08)

§ 172.019 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 municipal water department. No person may deposit anything in a curb stop 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 Utilities Superintendent.

(Prior Code, § 3-118) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.020 LICENSED PLUMBER.

It shall be unlawful for any plumber to do any work upon any of the pipes or appurtenances of the system of 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 shall have first procured a license or permit from the municipality. All plumbing shall be done in the manner required by the Utilities Superintendent. The said licensed plumber shall be at all times subject to the inspection and approval of the Utilities Superintendent and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

(Prior Code, § 3-119) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.021 COMPLAINTS.

Any consumer feeling aggrieved by reason of any controversy with the Utilities Superintendent may appear before the governing body and present his or her grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of water, or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words "Paid Under Protest." Such consumer may then present a verified claim in the manner provided for presenting claims to the governing body for a refund of the amount so paid under protest. Such claims shall then be considered by the governing body in the same manner as other claims against the municipality. (Prior Code, § 3-120) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.022 WELLS.

(A) From and after the effective date of this section of this subchapter, it shall be unlawful for any person, corporation, limited liability company, association, or other legal entity to drill and/or operate any water well within the corporate limits of the city, or outside the corporate limits of the city, and within one mile thereof, if such water well serving property located within 300 feet of an existing water main, which is owned and operated by the city.

(B) From and after the effective date of this section and this subchapter, it shall be unlawful for any person, corporation, limited liability company, association or any other legal entity to drill and/or operate any of the following facilities within the corporate limits, or within one mile of the corporate limits of the city, without having first obtained the proper permit from the governing body of the city; any water well located outside the corporate limits of the city, and within one mile thereof, if said well serving property located more than 300 feet from a water main, which is owned and operated by the city;

- (1) Any sewage lagoon;
- (2) Any absorption or disposal field for water;
- (3) Any cesspool;
- (4) Any dumping ground;
- (5) Any feedlot;
- (6) Any livestock corral;
- (7) Any chemical product storage facility;

- (8) Any petroleum product storage facilities;
- (9) Any pit toilet;
- (10) Any sanitary landfill;
- (11) Any septic tank;
- (12) Any sewage treatment plant;
- (13) Any sewage wet well;

(C) Any existing water well located inside the corporate city limits, or within one-mile of said city limits, must be registered with the City Clerk, by the owner of the land upon which said well is located, not later than December 31, 2005. No permit required by this section shall be granted by the governing body of the city, for any permit applied for under this section, unless the applicant has established complete compliance with all applicable rules and regulations of the state and any other governmental jurisdiction having regulatory authority pertaining to such permit and shall have obtained from such governmental jurisdiction any required permit or license which may apply to the facility for which a permit is being sought from the governing body of the city. No provision of any other section of this subchapter, shall be construed to permit the drilling or operation of any water well, or any of the facilities which are set forth in this section, which drilling or operation would violate the terms of this section.

(Prior Code, § 3-121) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.023 PROCEDURE TO OBTAIN PERMIT.

In order to obtain a permit to drill and/or operate any of the facilities listed in § 172.022, the owner of the property on which the proposed facility is to be located, must make application on the proper form provided by the governing body of the city. Such application must be presented to the City Council at any regular meeting or special meeting. After reviewing the application of any person desiring to drill or operate any of the above described facilities, then the City Council must approve or deny said permit.

(Prior Code, § 3-122) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.024 DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE PROHIBITED.

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 of North Bend Municipal water wells:

North Bend - Local Legislation

Non-potable water well	within 1,000 feet
Any other well	within 1,000 feet
Sewage lagoon	within 1,000 feet
Absorption or disposal field for water	within 500 feet
Cesspool	within 500 feet
Dump	within 500 feet
Feedlot or feedlot runoff	within 500 feet
Livestock corral	within 500 feet
Chemical product storage facility	within 500 feet
Petroleum product storage facility	within 500 feet
Pit toilet	within 500 feet
Sanitary landfill	within 500 feet
Septic tank	within 500 feet
Sewage treatment plant	within 500 feet
Sewage wet well	within 500 feet
Sanitary sewer manhole	within 100 feet
Other possible contaminate source	within 1,000 feet

(Prior Code, § 3-123) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.025 EXISTING WATER WELLS PERMISSIBLE UNLESS A WATER QUALITY HAZARD.

Water wells in existence and use, as of the effective date of this title 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 drinking water. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this title.

(Prior Code, § 3-125) (Ord. 487, passed 11-18-08)

§ 172.026 ABATEMENT PROCEDURE.

In the event any of the above described facilities are installed or operated without first having obtained a permit from the city and/or within a designated number of feet from the municipal water supply, then such facilities shall be deemed a nuisance and the Governing Board may abate such facility as a public nuisance pursuant to § 91.20 of the Nebraska Basic Code.

(Prior Code, § 3-126) (Ord. 487, passed 11-18-08)

§ 172.027 WELLHEAD PROTECTION AREA.

(A) *Definition.* Unless the context specifically indicates otherwise, the meaning of the following term used in this section shall be as follows:

WELLHEAD PROTECTION AREA. The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field.

(B) *Wellhead protection area.* The city designates a Wellhead Protection Area for the purpose of protection of the public water supply system. The boundaries of the Wellhead Protection Area are based upon a map prepared by the Nebraska Department of Environmental Quality, which is on file with the City Clerk.

(Prior Code, § 3-127) (Ord. 487, passed 11-18-08)

§ 172.028 BACKFLOW PREVENTION DEVICES.

(A) A cross connection control officer shall be appointed by the City Council of the City of North Bend to oversee the enforcement of this subchapter. This person shall be responsible for reviewing the surveys submitted by the customers of the municipal water department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, "Regulations Governing Public Water Supply Systems".

(B) All customers of the municipal water department shall be required to report to the cross connection control officer any potential cross connections which may be on their premises. This report shall be made at least every five years.

(C) (1) A customer of the municipal water department may be required by the cross connection control officer to install and maintain a properly located backflow prevention device at the customer's expense appropriate to the potential hazard as set forth in Title 179 NAC 2, "Regulations Governing Public Water Supply Systems" and approved by the cross connection control officer.

(2) The customer shall make application to the cross connection control officer to install a required backflow prevention device on a form provided by the municipality. The application shall

contain at a minimum the name and address of the applicant, the type of backflow prevention device to be installed, including make and model number, and the location of the proposed installation.

(3) The cross connection control officer shall approve or disapprove the application based on whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.

(4) When a testable backflow prevention device shall be required, the customer shall also certify to the municipality at least one time annually that the backflow prevention device has been tested by a Nebraska Health and Human Services System Grade VI certified water operator. Such certification shall be made on a form available at the office of the municipal clerk.

(5) Any decision of the cross connection control officer may be appealed to the City Council, whose decision shall be final.

(D) Any customer refusing to report on possible cross connections on their premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually shall be in violation of this subchapter and may have their water service discontinued. Any customer who has had their service discontinued for violation of this subchapter shall be subject to a reconnect fee to be established by the municipality to have the service reinstated after supplying proof that the potential cross connection has been eliminated or properly protected. (Prior Code, § 3-128) (Ord. 487, passed 11-18-08)

§ 172.029 WATER FEES.

The following fees shall be required:

(A) *General fees.*

Water/sewer application fee:	\$20.00
Water/sewer deposit: (1) Previous deposits less than \$150 will be billed the difference if delinquent 2+ months (2) Any water/sewer customer delinquent 2+ months shall make a deposit of \$150	\$150.00
Any water/sewer customer delinquent 2+ months shall make a deposit:	\$150.00
Delinquency charge for late payment of water bill	\$5.00
Additional processing charge for additional extension	\$7.50
Fee to hook-up to reinstate water service for delinquent customer	\$50.00

Above hook-up after or before regular working hours of city	\$100.00
Water service call, turn on or off	\$50.00
Meters - installation expense	Market Price
Water tap fee	\$150.00
Water tap fee south of Highway 30 (excluding Pioneer Lake Lots 1-45)	\$2,500.00
North Bend Rural Fire District water and sewer usage fee	\$500.00 annually
Reconnect fee for water service discontinued for backflow ordinance violation	\$50.00
Well permit fee	\$100.00

(B) *Water rates within corporate limits.*

(1) Minimum water service charge for all single-family residential and not-for-profit water consumers within corporate limits, per the following table, for water connection fee.

<i>Meter Size</i>	<i>Minimum Monthly Fee</i>
3/4" or less	\$19.50
1"	\$21.50
1 1/2"	\$24.50
2"	\$37.00
3" (compound)	\$47.00
4" (compound)	\$57.00
6" (compound)	\$82.00
8" (compound)	\$102.00

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(2) Minimum commercial water service charge within corporate limits, per the following table, for water connection fee.

<i>Meter Size</i>	<i>Connections</i>	<i>Minimum Monthly Fee</i>
3/4" or less	1	\$22.00
3/4" or less	2	\$32.00
3/4" or less	3	\$37.00
3/4" or less	4+	\$42.00
1"	1	\$24.00
1"	2	\$34.00
1"	3	\$39.00
1,,	4+	\$44.00
1 1/2"	1	\$27.00
1 1/2"	2	\$37.00
1 1/2"	3	\$42.00
1 1/2"	4+	\$47.00
2"	Any	\$47.00
3"(compound)	Any	\$57.00
4"(compound)	Any	\$67.00
6"(compound)	Any	\$87.00
8"(compound)	Any	\$107.00

(3) For every 1,000 gallons of water used, the fee shall be \$1.50, which is the same for all water meter sizes.

(4) The rate charged for research and development shall be \$2 per month, per meter.

(C) *Water rates outside corporate limits.*

(1) Minimum water service charge for all single-family residential and not-for-profit water consumers outside corporate limits, per the following table, for water connection fee.

<i>Meter Size</i>	<i>Minimum Monthly Fee</i>
3/4" or less	\$29.50
1"	\$31.50
1 1/2"	\$34.50
2"	\$47.00
3" (compound)	\$67.00
4" (compound)	\$77.00
6" (compound)	\$102.00
8" (compound)	\$122.00

(2) Minimum commercial water service charge outside corporate limits, per the following table, for water connection fee.

<i>Meter Size</i>	<i>Connections</i>	<i>Minimum Monthly Fee</i>
3/4" or less	1	\$32.00
3/4" or less	2	\$42.00
3/4" or less	3	\$47.00
3/4" or less	4+	\$52.00
1"	1	\$34.00
1"	2	\$44.00
1"	3	\$49.00
1"	4+	\$54.00
1 1/2"	1	\$37.00
1 1/2"	2	\$47.00

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<i>Meter Size</i>	<i>Connections</i>	<i>Minimum Monthly Fee</i>
1 1/2"	3	\$52.00
1 1/2"	4+	\$57.00
2"	Any	\$57.00
3"(compound)	Any	\$77.00
4"(compound)	Any	\$87.00
6"(compound)	Any	\$107.00
8"(compound)	Any	\$127.00

(3) For every 1,000 gallons of water used, the fee shall be \$1.50, which is the same for all water meter sizes.

(4) The rate charged for research and development shall be \$2.00 per month, per meter.

(D) *Multiple connection rates: within and outside corporate limits.*

(1) In cases of multiple connections to separate apartments, households, or structures on one master water meter and one master curb-stop, which exist as of the effective date of this section, the minimum charge per month shall be equal to the minimum water service charge at the appropriate water meter size under the commercial rate schedule.

(2) In cases of existing multiple connections to separate apartments, households, or structures within existing multi-user buildings as of the date of the passage of this section, which are on one master curb-stop and each water consumer within such multi-user building is serviced by separate and distinct meters, such separate water consumer shall have the following options:

(a) Such separate water consumer may be billed separately at the residential rates if the requirements for deposits have been met; or

(b) The owner of the existing multi-user building may assume responsibility for all water consumers within the property and consolidate billing under the conditions outlined for new multi-user buildings (which require a single billing to the owner under the commercial rate structure).

(3) If an owner of an existing multi-user building which is served by more than one meter, as of the date of the passage of this section, chooses to consolidate billings under the commercial rate schedule, then said multi-user building will thereafter be deemed commercial property for the purposes of this section.

(4) From and after the effective date of this section, all water connection in multi-user buildings will be the responsibility of the owner of such building if the users within the building do not own a portion of such building to which water service is provided.

(5) Multi-user buildings which have separately owned parts in said buildings (i.e: townhouse or condominium) which choose to be responsible for the water service to their section of said building shall be required to have a separate water meter and separate curb-stop. Provided, however, in cases where there are multiple connections from one curb stop and the meter size is 3/4" to 1 1/2", then the minimum monthly fee to be paid shall be as follows:

- (a) For one connection the charge shall be the minimum monthly fee;
- (b) For two connections, the charge shall be the minimum monthly fee plus \$10;
- (c) For three connections the charge shall be the minimum monthly fee plus \$15; and
- (d) For four or more connections the charge shall be the minimum monthly fee plus \$20. Situations not specifically addressed in this division shall be decided by the Mayor and the City Council prior to installation.

(Ord. 488, passed 11-18-08; Am. Ord. 514, passed 7-3-12; Am. Ord. 521, passed 9-1-13; Am. Ord. 536, passed 7-14-15)

SEWER DEPARTMENT

§ 172.040 OPERATION AND FUNDING.

The municipality owns and operates the municipal sewer system through the Utilities Superintendent. The governing body, for the purpose of defraying the cost of the management and maintenance of the Municipal 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. The Utilities Superintendent shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the governing body.

(Prior Code, § 3-201) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.041 DEFINITIONS.

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

APPROVING AUTHORITY. The City Council of the municipality; or its duly authorized deputy, agent or representative.

BIOLOGICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in milligrams per liter, also known as BOD and BOD5.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

CHLORINE REQUIREMENT. The amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods."

COMBINED SEWER. A sewer intended to receive both waste water, and storm or surface water.

CONSUMER. All users of the municipal sanitary sewerage system in the municipality including all persons, firms, or corporations whose premises are served thereby and all owners and tenants of real estate and buildings connected with said sanitary sewerage system or served thereby, and all users of said system who in any way use the same or discharge sanitary sewage, industrial wastewater or other liquid, either directly or indirectly, into the sanitary sewerage system of the City of North Bend, Nebraska. Consumers shall be classified as "**SINGLE FAMILY RESIDENTIAL**," "**MULTIPLE FAMILY RESIDENTIAL**," "**COMMERCIAL**," and "**INDUSTRIAL**."

(1) **SINGLE FAMILY RESIDENTIAL.** Consumers are hereby defined as one family dwellings, including mobile and modular houses where the primary purpose of the facility is for residential purposes of one family. Single family residential consumers shall include funeral homes and churches.

(2) **MULTIPLE FAMILY RESIDENTIAL.** Consumers are hereby defined as multiple dwelling.

(3) **COMMERCIAL.** Consumers are hereby defined as all business establishments whose primary purpose is to provide a service to consumers. Commercial consumers does not include industrial consumers as further defined in this section.

(4) **INDUSTRIAL CONSUMERS.** Defined as all business establishments whose primary purpose is the manufacturing, processing, packaging, or assembling of a product for resale, distribution or custom ordering.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. Oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

MAY. The term “*MAY*” is permissive; the term “*SHALL*” is mandatory.

MUNICIPALITY. The City of North Bend, Nebraska.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration of the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle larger than 1/2-inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER. The pipes, conduits, manholes, cleanouts, and all other constructions, devices, appurtenances, and facilities used for collecting or transporting wastewater to an ultimate point for storage, treatment, or disposal. This does not include storm sewers conveying storm water runoff.

SERVICE CONNECTION. A pipe transporting wastewater from an individual building to a sanitary sewer main.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL. The term “*SHALL*” is mandatory; the term “*MAY*” is permissive.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN. An opening leading to an underground pipe or open ditch for carrying surface runoff, separate from the sanitary sewer or wastewater system.

STORM SEWER. A collection system designed and constructed to collect storm water runoff, snow melt runoff, and surface runoff and drainage.

SURCHARGE. The assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

SUSPENDED SOLIDS. Total suspended matter that either float on the surface of, or as in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.

UTILITIES SUPERINTENDENT. The individual or individuals responsible for the continued performance of the public sewer system or any part of such system, during assigned duty hours.

VENT STACK. A vertical vent pipe installed for the purpose of providing circulation of air to and from any part of a drainage system.

WASTEWATER. The combination of the liquid or water carried wastes removed from residences, institutions, and commercial and industrial establishments, together with such ground water, surface water and storm water as may be present.

WASTEWATER COLLECTION SYSTEM. The pipes conduits, wastewater pumping stations, force mains, inverted siphons, and all other constructions, devices, appurtenances, and facilities used for collecting or transporting wastes to an ultimate point for storage, treatment, or disposal.

WASTEWATER TREATMENT FACILITIES. A group or assemblage of processes, devices and structures for the treatment or removal of pollutants from wastewater.

WATERS OF THE STATE. All waters within the jurisdiction of this state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

(Prior Code, § 3-202) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.042 APPLICATION FOR PERMIT.

Any person wishing to connect with the sewer system shall make an application therefor to the Utilities Superintendent. The Superintendent may require any application to make a service deposit in such amount as he or she deems necessary subject to the review of the governing body and placed on file at the office of the Municipal Clerk. Sewer service may not be supplied to any house or building except upon the written order of the Superintendent. The department shall not supply sewer service to any person outside the corporate limits without special permission from the governing body; Provided, that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the municipality to provide sewer service to non-residents.

(Prior Code, § 3-203) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.043 DIRECT CONNECTIONS.

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

(Prior Code, § 3-204) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.044 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 or disposal of in accordance with all applicable local, state, and federal rules and regulations. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade(s), 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 without prior arrangements with the Utilities Superintendent, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require two inspections by Utilities Superintendent. The first inspection shall be made when connections or repairs are complete and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service restored; however, prior to replacing concrete/asphalt/ brick streets and concrete sidewalks. It is the customer's responsibility to notify the 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 for such installation prescribed by the Utilities Superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the governing body.

(Prior Code, § 3-205) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.045 INSTALLATION EXPENSE.

The customer, upon approval of his or her application for sewer service, shall pay to the Utilities Superintendent a tap fee as established by the municipality. The municipality shall supervise the tap of the sewer main. The Utilities Superintendent shall direct the customer to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay all other costs of installation.

(Prior Code, § 3-206) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.046 REPAIRS AND MAINTENANCE.

The municipality shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the Utilities Superintendent; provided, that the same have been previously approved by the governing body. Any consumer installing, repairing or replacing any sewer lines shall diagram the location of any such lines and file a copy of such diagram with the Utilities Superintendent.

(Prior Code, § 3-207) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.047 FINDINGS FOR SEWER USE CHARGE.

The Mayor and governing body of the city hereby find and determine: this municipality has constructed and owns and operates a sanitary sewerage system, which system carries the liquid and solid waste sewage of such community and the residents thereof. For the purpose of paying the capital costs of improvements to the sewerage system, operation, maintenance and replacement of the sewerage facilities, principal and interests of any bonds issued for improvements, there is hereby established a sanitary sewer use charge against each lot, parcel of land or premises served by said sanitary sewerage system, or which discharges wastewater, either directly or indirectly, into such sanitary sewerage system or any part thereof.

(Prior Code, § 3-208) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.048 FUND ESTABLISHMENT.

The rates charged to Sanitary Sewerage System consumers shall be collected and divided into two categories and maintained in two funds, designated "A" and "B". Category "A" shall be funds collected and maintained for administration and other miscellaneous overhead costs and shall be known as the "Sewer Administration Fund." Category "B" shall be funds collected and maintained for operation,

maintenance, replacement of the existing wastewater treatment facilities, and cost of additional equipment mandated by higher government for environmental and other reasons and shall be known as the “Sewer Operation, Maintenance, Replacement and Mandated Fund.”

(Prior Code, § 3-209) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.049 RATES.

The rate charged to consumers shall be billed in two categories consistent with the funds established in § 172.048 as follows:

(A) *Sewer administration rates.* The rate charged to each consumer for each class shall be the same and shall be collected and deposited in the Sewer Administration Fund. The rate charged to each consumer for administration of the sanitary sewerage system shall be established by the municipality.

(B) *Sewer operation, maintenance, replacement and mandated equipment rate.* The rate charged to each consumer of each class shall be based on the connection to sewer system and by the amount of water usage per month as determined by readings of the water service meters. The rate charged to each consumer for operation, maintenance, replacement either for worn out facilities or compliance with higher government mandated new or replacement equipment for environmental or other reasons shall be as follows:

(1) The minimum sanitary sewer service connection fee shall be established by the municipality.

(2) The rate charged for sanitary sewer service shall be established by the municipality.

(3) Each dwelling unit of multiple family residential consumer, or a combined commercial and residential facility, shall be considered a separate consumer and the rate for sanitary sewer service shall be determined in the same manner as a single family residential consumer.

(4) The amount of the operation, maintenance, replacement and mandated sewer rate for single family, residential consumer shall be determined from the monthly consumption of water, except for the months of April, May, June, July, August, September and October, and the consumption for said months shall be based on January usage.

(5) The funds collected from the operation, maintenance, replacement and mandated rate shall be used only for operation, maintenance and replacement of the wastewater treatment facilities. Any amounts left in this Fund at the end of a fiscal year must be carried over in this Fund. The rates and charges for the Operation, Maintenance, Replacement and Mandated Fund may be reviewed annually for adequacy and adjustment made, if necessary.

(Prior Code, § 3-209.01) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.050 SURCHARGES.

The municipality shall have the right to increase the operation, maintenance and replacement rate when it is determined that the strength of a consumer's wastewater is significantly greater than other consumers. The municipality may require any consumer, at their expense, to provide flow measurement and sample analysis of their wastewater. Failure by such consumer to comply with written request by the municipality to install a measuring device satisfactory to the municipality will entitle the municipality to charge a fee as established by the municipality per quarter or part thereof during which the consumer does not have a measuring device approved by the municipality. All such surcharges shall be arrived at by establishing a base rate per pound for biochemical oxygen demand and suspended solids and comparing the consumer's wastewater strength and volume to the base rate.

(Prior Code, § 3-209.02) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.051 CONSUMER OUTSIDE OF CORPORATE LIMITS.

A consumer of the sanitary sewerage system for the municipality outside of the corporate limits of the municipality shall pay a sewer administration rate which shall be established by the municipality. The operation, maintenance and replacement rate shall be at the same rate as all other consumers.

(Prior Code, § 3-209.03) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.052 DETERMINATION OF PROPORTIONAL RATES.

Where in the judgment of the governing body, the application of the use charges hereinbefore set forth would not be proportional when compared to all other consumers, the municipality may adjust said consumer's rate, unless satisfactory to the municipality, so that the consumer's proportional use of the sewerage system can be determined. It shall be the consumer's responsibility to provide the municipality a satisfactory means of measuring wastewater flows and obtaining representative samples of wastewater from the consumer.

(Prior Code, § 3-209.04) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.053 USAGE CHARGE WHEN METER OUT-OF-ORDER.

Should a customer'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, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Utilities Superintendent.

(Prior Code, § 3-209.05) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.054 RATE SAVING CLAUSE.

If for any reason, any of the rates of any user hereinbefore set forth should be invalid or unenforceable, the municipality shall be entitled to receive and collect from such user a reasonable rate or charge for the use of its sanitary sewerage system.

(Prior Code, § 3-209.07) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.055 TENANT DEPOSIT REQUIRED.

All tenants of real estate (customers who pay rent to use or occupy property owned by another) who use the municipal water and sewer system shall be required to make a deposit as established by the municipality before service will be supplied, and in addition, any other customer of the municipal water and sanitary sewerage system who is delinquent in payment of two or more monthly billings, consecutively, for such service, then said customer shall make a deposit as established by the municipality which deposit shall be added to said customers next monthly billing, and provided further that in default of payment for water and/or sewer service after such payment is due, the municipality may discontinue serving any such customer and apply so much of any deposit as is necessary for the payment of such customer's account and the remainder of such deposit shall be paid to such customer. If the owner of the rented or leased property is responsible for the water and sewer service fees, said tenant shall not be required to make any deposit for said service.

(Prior Code, § 3-209.08) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.056 PAYMENT FOR CHARGES; DELINQUENCY PROCESSING CHARGE; DISCONNECTION OF SERVICE.

All charges for water and/or sewer usage will be payable at the office of the City Clerk. Bills for water and/or usage charges made by this title governing water charges and sewer charges shall be rendered effective on the first day of each calendar month and all water and/or sewer use charges levied by this title which are not paid within ten days after billing, shall be deemed to be delinquent. A reasonable processing charge shall be established by the municipality in addition to all other charges, shall be billed on either the combined water/sewer bill, or a separate bill, if the bill is not paid within ten days after the billing date and on each required re-billing of said delinquent account.

(Prior Code, § 3-209.09) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.057 EQUITABLE RATES.

The Mayor and the governing body find and determine that the sewer use charges established by the title are just and equitable rates and charges to be paid to the municipality for the use of such sanitary sewerage system by each person, firm or corporation whose premises are served thereby.

(Prior Code, § 3-209.11) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.058 DESTRUCTION OF PROPERTY.

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

(Prior Code, § 3-210) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.059 UNLAWFUL DEPOSIT OF WASTES.

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

(Prior Code, § 3-211) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.060 UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

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

(Prior Code, § 3-212) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.061 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 wastewater.

(Prior Code, § 3-213) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.062 PRIVATE SEWAGE DISPOSAL.

(A) *When applicable.*

(1) Where a public sanitary or combined sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter and Title 124, Nebraska Department of Environmental Quality's rules for sewage disposal.

(2) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 172.014, a direct connection shall be made to the public sewer within 60 days in compliance with this title and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(B) *Permit required, fee.* Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee as established by the municipality shall be paid to the municipality at the time the application is filed.

(C) *Permit, when effective; inspections.* A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

(D) *Specifications.* The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Nebraska Department of Environmental Quality. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than three acres, or as established from time to time by the Nebraska Department of Environmental Quality regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) *Maintenance.* The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the municipality.

(F) *Additional requirements.* No statement contained in this title shall be construed to interfere with any additional requirements that may be imposed by the Board of Health of the City of North Bend. (Prior Code, §§ 3-214 through 3-219) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.063 SERVICE CONNECTION INSTALLATION.

(A) *Permit required.* No unauthorized person shall uncover, make any connections with our opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Superintendent.

(B) *Classification; permit application, fee.* There shall be two classes of service connection permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for residential or commercial service connection permit and for an industrial service connection permit shall be established by the municipality and paid to the municipality at the time the application is filed.

(C) *Expense.* All costs and expense incidental to the installation and connection of the service connection shall be borne by the owner. The owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the service connection.

(D) *Single premise.* A separate and independent service connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the service connection from the front building may be extended to the rear building and the whole considered as one service connection, but the municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) *Use of existing sewers.* Old service connections may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this title.

(F) *Construction codes.*

(1) The size, slope, alignment, materials of construction of a service connection, 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 municipality.

(2) Whenever possible, the service connection 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 service connection.

(3) The service connection into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the municipality. 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 Superintendent before installation.

(G) *Unlawful connection.* No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff to groundwater to a service connection or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

(H) *Inspections.* The applicant for the service connection permit shall notify the Superintendent when the service connection is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his or her representative.

(I) *Excavations.* All excavations for service connection installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the municipality.

(Prior Code, §§ 3-220 through 3-228) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.064 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any unpolluted water such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

(B) Stormwater other than that exempted above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

(Prior Code, § 3-229) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.065 FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT.

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

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

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(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but no 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, and the like, either whole or ground by garbage grinders.

(5) Any waters or wastes having:

(a) A five-day BOD greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids;

(c) Having an average daily flow greater than 2% of the average sewage flow of the municipality; or

(d) A chlorine requirement greater than demanded by normal sewage as evaluated by the municipality's consulting engineer shall be subject to the review of the Superintendent.

(B) Where necessary in the opinion of the Superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

(1) Reduce the biochemical oxygen demand to 300 parts per million by weight;

(2) Reduce the suspended solids to 350 parts per million by weight;

(3) Control the quantities and rates of discharge of such waters or wastes; or

(4) Reduce the chlorine requirement to conform with normal sewage.

(C) Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Prior Code, § 3-230) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.066 SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT.

(A) The following described substances, materials, water, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance.

(B) The Superintendent may set limitations lower than the limitations established in the regulations below if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors, and other pertinent factors.

(C) The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees C).
- (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate).

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

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

(d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

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

(11) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, for suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(Prior Code, § 3-231) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.067 REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

(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 this subchapter and which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rate of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subchapter.

(B) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the 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.

(Prior Code, § 3-232) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.068 SPECIAL EXCEPTIONS PERMITTED.

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

(Prior Code, § 3-233) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.069 GREASE, OIL AND SAND INTERCEPTORS WHEN REQUIRED.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or 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. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

(Prior Code, § 3-234) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.070 MAINTENANCE BY OWNER.

Where preliminary treatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Prior Code, § 3-235) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.071 CONTROL MANHOLES/SAMPLING STATIONS.

(A) *Installation and maintenance.* When required by the Superintendent, the owner of any property serviced by a service connection carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the service connection to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his or her expense, and shall be maintained by him so as to be safe and accessible at all times.

(B) *Method.* All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter, shall be determined in accordance with 40 CFR part 136 Pertaining to Guidelines Establishing Test Procedures For the Analysis of Pollutants (40 CFR part 136). Sampling methods, location, times durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

(Prior Code, §§ 3-236 and 3-237) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.072 INSPECTIONS.

(A) *Generally.* The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this subchapter. The Superintendent or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to the competitors.

(B) *Injury liability.* While performing the necessary work on private properties referred to in the sections of this subchapter, the Superintendent or duly authorized employees of the municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the municipal employees and the municipality shall indemnify the company against loss or damage to its property by municipal 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 such may be caused by negligence or failure of the company to maintain safe conditions as required in this subchapter.

(C) *Easements.* The Superintendent and other duly authorized employees of the municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection,

observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Prior Code, §§ 3-238 through 3-240) (Ord. 487, passed 11-18-08) Penalty, see § 172.999

§ 172.073 SEWER FEES.

The following fees shall be required.

(A) *General fees.*

Water/sewer application fee	\$20.00
Sewer Deposit (1) Previous deposits less than \$150 will be billed the difference if delinquent 2+ months (2) Any water/sewer customer delinquent 2+ months shall make a deposit of \$150	\$150.00
Sewer usage delinquency processing charge	\$5.00
Sewer delinquency charge for late payment for addition extension	\$7.50
Failure to install sewer measuring device	\$50.00
Sewer tap fee	\$150.00
Permit and inspection fee residential and commercial service	\$100.00
Permit for industrial wastes	\$150.00
Septic tank permit fee and inspection	\$100.00

(B) *Sewer rates.*

(1) Minimum residential monthly sewer service charge within the corporate limits, per the following table, for connection fee.

<i>Water Meter Size</i>	<i>Minimum Monthly Fee</i>
3/4" or less	\$14.00
1"	\$16.50
1 1/2"	\$19.00

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<i>Water Meter Size</i>	<i>Minimum Monthly Fee</i>
2"	\$24.00
3" (compound)	\$33.00
4" (compound)	\$43.00
6" (compound)	\$53.00
8" (compound)	\$63.00

(2) Minimum commercial sewer service charge outside the corporate limits, per the following table, for connection fee.

<i>Water Meter Size</i>	<i>Minimum Monthly Fee</i>
3/4" or less	\$16.50
1"	\$18.50
1 1/2"	\$21.50
2"	\$26.50
3" (compound)	\$35.50
4" (compound)	\$45.50
6" (compound)	\$55.50
8" (compound)	\$65.50

(3) The rate charged for sanitary sewer service shall be \$1.10 for every 1,000 gallons of water used.

(4) Sewer administration rates: \$2.00 per month per consumer.

(5) Users that are not connected to city water shall pay a flat minimum monthly fee as follows:

(a) Residential Users: \$16.50.

(b) Commercial Users: \$18.50.

(6) In cases of multiple connections to separate apartments, households or structures on one service line with one master water meter, the minimum charge per month shall be equal to the minimum commercial sewer service charge at the appropriate water meter size. For those water consumers who, as of the date of the passage of this section, are part of a multi-user building, which has multiple connections to separate water consumers within such existing multi-user building, which are on one service line and each water consumer is serviced by separate and distinct water meters, such water consumers will be charged in accordance with the water rate classification for that building and either:

(a) Separate water consumers with separate meters will be billed at the residential sewer rate, or

(b) The multi-user building owner who converts to the commercial water schedule will thereafter be billed at the commercial sewer rate. New multiple connections shall be limited to apartments and business complexes, that are solely owned.

(c) Multiple households separately owned in one building are not allowed a single connection to the sewer system, each household is required to have a separate connection. Situations not specifically addressed in this division shall be reviewed by the Mayor and City Council prior to installation.

(Ord. 488, passed 11-18-08; Am. Ord. 536, passed 7-14-15) Penalty, see § 172.999

LANDFILL

§ 172.085 DEFINITIONS.

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

GARBAGE. Kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health. Rubbish shall mean discarded machinery, bottles, broken glass, crockery, tin cans, and rags. Refuse shall mean any waste material, any kind of containers (whether filled or not), or litter and debris.

(Prior Code, § 4-401) Penalty, see § 172.999

§ 172.086 DUMPING OR LEAVING OF GARBAGE, RUBBISH OR REFUSE AT CITY'S LANDFILL SITE.

The Mayor and Council hereby declare unlawful, either as littering or trespass or nuisance any person, party or corporation the dumping, placing or leaving of any garbage, rubbish or waste above defined upon, in, at or immediately adjacent to the city's landfill land site (commonly called “dump”) located within 1/2 mile and south of the city, immediately west of State Highway 79 and bordering on the Platte River, without specific permission of the city. Said landfill site has a gate entrance, which is locked, and only by specific permission of the city only trees, brush, leaves and grass may be received there for disposal through said entrance.

(Prior Code, § 4-402) Penalty, see § 172.999

§ 172.087 POSTING.

The Landfill land site shall be appropriately posted to warn of prosecution for violation of this subchapter and/or state law against improper dumping, placing, leaving or littering immediately adjacent to, upon, in or at the landfill site with garbage, rubbish or refuse.

(Prior Code, § 4-403) Penalty, see § 172.999

§ 172.088 ABATEMENT OF NUISANCE.

(A) Whenever a nuisance exists as defined in this subchapter, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(B) Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.

(Prior Code, § 4-502) Penalty, see § 172.999

Statutory reference:

Order of abatement for nuisances, Neb. RS 18-1720 and 18-1722)

§ 172.999 PENALTY.

(A) (1) Any person violating any of the terms of §§ 172.019 through 172.024 is hereby determined to be “guilty” of a Class III Misdemeanor as the same is defined by Nebraska Statute. The penalty for such violation shall be that as defined by Nebraska Law for the violation of a Class III Misdemeanor or any person found violating any provision of sections §§ 172.019 through 172.024 shall be subject to a fine, not to exceed \$100.

(2) The continuation of a violation of sections §§ 172.019 through 172.024 shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the city may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the state or other authority having jurisdiction over such matters.

(B) (1) Any person found to be violating any provision of §§ 172.040 *et seq.* except those provisions relating to destruction of property shall be served by the municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person violating any of the provisions of §§ 172.040 *et seq.* shall become liable to the municipality for any expense, loss, or damage occasioned the municipality by reason of such violation.

(C) Any person, party or corporation who shall violate the provisions of §§ 172.085 *et seq.* shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

(Prior Code, §§ 3-241, 4-404, 4-501) (Ord. 487, passed 11-18-08)