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CHAPTER 7 – UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: UTILITY SYSTEM; PAYMENT PLAN OPTIONS

Any residential customer of the utility system whose account is in good standing with the City may make application to enter into an agreement with the City for a monthly payment plan option wherein such customer may pay his/her annual estimated utility cost of water, sewer and electricity in 11 installments and the City will bill any amount due on the 12th month ending in December. If late payment of the account occurs, the customer may be removed from the payment plan option and may not be allowed to enter into a future payment plan option. Such application shall include the name and ad-

dress of the customer desiring to enter into the payment plan option and any other information deemed necessary by the City and shall then be submitted to the Utility Department for consideration. (Ord. No. 2007-15, 9/11/07)

SECTION 7-102: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE, HEARING

A. The City shall have the right to discontinue services and remove its properties if the charges for such services are not paid within 20 days after the date that the same become delinquent. Before any termination, the Utility Department shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days, weekends and holidays excluded. As to any subscriber who has previously been identified to the utility as a client of the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to Social Services.

B. The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Utility Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the City may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the City within five days of receiving notice under this section and will prevent the disconnection of the City's services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;

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

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

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

E. The City shall establish a third party notice procedure for the notification of a designated third party of any proposed discontinuance of service, and shall advise its subscribers, including new subscribers, of the availability of such procedures.

F. A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before an employee designated by the City to hear such matters. Such employee shall be designated by a duly adopted resolution of the City.

G. The employee designated by the City shall hear and decide all matters disputed by domestic subscribers pursuant to this section. The subjects to be heard shall include matters relating to a disputed bill.

H. Upon notice to the employee designated by the City of any request for a conference by a domestic subscriber, the employee shall:

1. Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and
2. Hold a conference within 14 days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Rules of Evidence. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under this section, the employee shall recess and continue the conference at such time as the subscriber has been afforded his/her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the City of any further action prior to the discontinuance of service. If a domestic subscriber shall contact the City prior to the scheduled conference and demonstrate that failure to attend was for a legitimate reason, the City shall make a reasonable effort to reschedule the conference.

I. The employee of the City shall, based solely on the evidence presented at the

conference, affirm, reverse, or modify any City decision which involves a disputed bill resulting in a threatened termination of utility service. The employee shall allow termination of utility service only as a measure of last resort after the City shall have exhausted all other remedies less drastic than termination.

J. Any domestic subscriber may appeal an adverse decision of the City employee to the City Council. The City shall establish a hearing procedure to resolve utility bills appealed by domestic subscribers. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber. Such appeal shall be filed with the city clerk within the time specified in the procedures established by the City.

K. At any hearing held pursuant to subsection J of this section, the domestic subscriber may:

1. Be represented by legal counsel or other representative or spokesperson;
2. Examine and copy, not less than three business days prior to such hearing, the City's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the City in reaching the decision to propose termination or to take other action which is the subject of the hearing;
3. Present witnesses and offer evidence;
4. Confront and cross-examine such other witnesses as may appear and testify at the hearing; and
5. Make or have made a record of the proceedings at his/her own expense.

L. In any appeal filed pursuant to subsection (J) of this section the city clerk shall notify the domestic subscriber of the time, place, and date scheduled for such hearing. The notice requirements, hearing procedures, and other rights of domestic subscribers shall be set forth in the procedures established under subsections (J) and (K) of this section.

(Neb. Rev. Stat. §19-2702 *et seq.*)

SECTION 7-103: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION; EVIDENCE

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

B. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity or

water passing through it, without the knowledge and consent of the City shall be deemed guilty of an offense.

C. When electrical or water service has been disconnected by the city, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Neb. Rev. Stat. §86-329 through 86-331) (Am. by Ord. No. 96-7, 2/22/96)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

The City owns and operates the Water Department through the facilities and maintenance director. The City Council, for the purpose of defraying the cost of the management and maintenance of the Water Department may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the city treasurer. The facilities and maintenance director shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the City Council. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP

All persons within 300 feet of a water main shall be required, upon notice by the City Council, to hook up with the city water system. (Neb. Rev. Stat. §17-539)

SECTION 7-204: SERVICE TO NONRESIDENTS

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

SECTION 7-205: CONSUMER'S APPLICATION; DEPOSIT

Every person or persons desiring a supply of water must make application therefor to the facilities and maintenance director, who may require any applicant to make a service deposit in such amount as has been set by ordinance by the City Council and placed on file at the office of the city clerk for public inspection during office hours. Water may not be supplied to any house or private service pipe except upon the order of the director. (Neb. Rev. Stat. §17-537)

SECTION 7-206: WATER CONTRACT; NOT TRANSFERABLE

A. The City, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The City may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a City commercial main is now or may hereafter be laid. The rules, regulations, and water rates set by the City shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the facilities and maintenance director or his agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises, or place shall again be made save or except by order of said director or his agent.

C. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the facilities and maintenance director, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he shall be charged for all water used on the said premises until the director is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-537)

SECTION 7-207: USER RATES

The City shall have the authority to establish charges and fees for water use by customers of the city water system. Such fees and charges shall be established by ordinance and shall be on file in the city clerk's office for public inspection during normal business hours.

SECTION 7-208: MINIMUM RATES; DWELLING UNIT

A. As used in this section, the term "dwelling unit" shall mean a structure consisting of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household. A trailer, mobile home, or apartment shall be considered a dwelling unit for purposes of this section.

B. Each dwelling unit, whether or not metered for water usage by the same meter as any other building unit, shall be assessed a monthly minimum charge for both water and sewer, with the minimum amounts as established by ordinance to be deducted from the total usage for the quarter. In the event the same property owner owns all of the dwelling units metered from the same water meter, such owner may elect to be assessed for the total usage without minimums if the metered water for that quarter exceeds the aggregate of the product of the minimum monthly charge times the number of dwelling units metered through the single water meter.

SECTION 7-209: WATER BILLS

A. Water bills shall be due and payable monthly at the office of the city clerk. The water meters shall be read monthly between the 18th day and the 20th day of the month during which service is used. The city clerk shall charge and collect from each customer for the amount of water consumed since the last examination, together with any other charges, properly itemized, due the Water Department. Bills shall be due upon receipt.

B. Bills not paid by 5:00 P.M. on the 20th day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, there shall be added to said water bill an amount equal to 10% of the total original water bill due. If the bill and the penalty have not been paid by the last day of the same month, the clerk shall include notice of the City's intent to discontinue water service to the delinquent customer with the next regular water bill. Said disconnection shall be accomplished according to the procedures set forth in Section 7-102. (Neb. Rev. Stat. §17-542, 18-416)

SECTION 7-210: LIEN

A. In addition to all other remedies, if a customer shall for any reason remain indebted to the City for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent.

B. It shall be the duty of the facilities and maintenance director on June 1 each year to report to the City Council a list of all unpaid accounts due for water together with

a description of the premises upon which the same was used. The report shall be examined, and if approved by the Council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law.
(Neb. Rev. Stat. §17-538)

SECTION 7-211: INSTALLATION PROCEDURE

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

SECTION 7-212: INSTALLATION EXPENSE

A. The consumer shall be required to pay a tap fee prior to beginning installation. Such fees shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. All costs and expenses of providing water service from the commercial main to the place of dispersement shall be paid by the consumer, including but not limited to tapping the main, trenching, furnishing and installing supply pipe, stop box, meter and service pipe, expenses of procuring the services of a plumber for required installations, all necessary labor, and all expenses required to restore streets, alleys, and sidewalks to good condition.

B. The hookup fees will include a remote meter and curb stop, except for those taps with a line larger than one inch. Curb stops and meters for lines larger than one inch shall be approved by the City prior to installation.
(Am. by Ord. No. 98-9, 6/25/98; 2005-10, 3/8/05)

SECTION 7-213: MATERIAL SPECIFICATIONS

A. All copper pipe used in the installation of water service shall be of "K" quality. All joints of copper pipe shall be either of the flared fittings type or if soldered, they shall be soldered with silver solder. If plastic pipe is used, it shall be first quality, 160 pound pressure tested or better. Joints on polyethylene pipe must be joined by brass fittings with all stainless steel clamps. Polyvinyl chloride pipe shall be glued together only with the proper glue as recommended by the manufacturer of the pipe.

B. Any pipe, solders or flux used in the installation or repair of any residential or

non-residential facility which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean: solders and flux, not more than .2% lead, and pipe and pipe fittings, not more than 8% lead. (Neb. Rev. Stat. §71-5301, 71-5301.01)

SECTION 7-214: WATER METER PITS

A. Any person desiring to construct a water meter pit and install a water meter therein shall do so only as herein provided. It shall be unlawful for any person to construct any water meter pit and install a water meter without first having obtained approval in writing from the facilities and maintenance director. Application shall be made in writing to the director for such approval. Such application shall state the dimensions and location of the meter pit and the access thereto. The director shall grant approval for such construction and installation unless good cause shall appear why approval shall be denied. The owner shall assume all costs of construction of the meter pit and the piping and related installations, provided, however, the meter shall be furnished by the City at no cost to the owner.

B. Subject to the approval of the City Council, the facilities and maintenance director may order the construction of a meter pit and the installation of a water meter and related piping and installations or, if any meter pit becomes unusable for any reason, the director may order the replacement thereof after approval of the City Council. The director's order to construct or reconstruct a meter pit and related piping and installations shall be given to the owner of the property served and shall contain the specifications to be followed in connection with such construction or reconstruction. Such order shall provide that (1) such construction or reconstruction shall be completed within 30 days after the date of the service of said order upon the owner and (2) if the owner fails to construct or reconstruct said meter pit and related piping and installations, the City will cause the same to be accomplished and the cost thereof will be levied and assessed as a special tax against the premises. The order shall contain an itemized estimate of the cost of such construction or reconstruction, and no special assessment in excess of such estimate shall be levied against the property. Such order shall be served upon the owner personally or by certified mail, postage prepaid, return receipt requested, to the last known address of the owner, which shall be that address listed on the current real estate tax rolls as of the date such order is issued.

SECTION 7-215: REPAIRS

Repairs to the stop box, supply pipes and service pipes shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, including the meter, shall be made by the City. All water meters shall be kept in repair by the customer at the expense of the customer. When meters are worn out, they shall be replaced and reset by the City at the expense 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, if the test shows the water meter to be running 2% or more slow or fast, the expense of such test shall be borne by the City. The City reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the City shall always have the right to place a new meter on the customer's water service fixtures at city expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the quarterly consumption during the same quarter of the preceding year, provided, that if no such basis for comparison exists, the customer shall be charged such amount

as may be reasonably fixed by the facilities and maintenance director. (Neb. Rev. Stat. §17-542)

SECTION 7-216: SINGLE PREMISES; PROHIBITED ACTS

No consumer shall supply water to other families or allow them to take water from his/her premises, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension, or attachment without the written permission of the facilities and maintenance director. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (Neb. Rev. Stat. §17-537)

SECTION 7-217: RESTRICTED USE

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

SECTION 7-218: FIRE HYDRANTS

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

SECTION 7-219: POLLUTION

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

SECTION 7-220: INSPECTION

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

SECTION 7-221: DESTRUCTION OF PROPERTY

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

SECTION 7-222: BACKFLOW PREVENTION; DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

"Director" or "facilities and maintenance director" means the director of public works or his/her authorized representative.

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

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

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

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

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

"Owner" means the entity delivering water through the public water supply system. The owner is the City of Hickman operating through the facilities and maintenance director.

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

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

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

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

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

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential

relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include one-hundred-percent-closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

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

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

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

SECTION 7-223: BACKFLOW PREVENTION; POLICY AND PURPOSE

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

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

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

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

SECTION 7-224: BACKFLOW PREVENTION; SURVEYS AND INVESTIGATIONS

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

B. On request by the director, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the director shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required herein.

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

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

SECTION 7-225: BACKFLOW PREVENTION; WHERE PROTECTION IS REQUIRED

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

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

1. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;
2. Premises having internal cross-connections that, in the judgment of the director, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;
3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
4. Premises having a repeated history of cross-connections being established or re-established;
5. Premises having more than one customer service connection, which could constitute a potential cross-connection.

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

1. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
2. Testing laboratories, film laboratories, film development facilities.
3. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
4. Food or beverage processing plants.
5. Chemical plants.
6. Metal degreasing, plating industries, machine tool plants, die and metal processing or productions.
7. Chemical and petroleum processing or storage plants.
8. Car washes, automobile servicing facilities.
9. Lawn irrigation systems and swimming pools.
10. Laundries and dry cleaners.
11. Packing houses.
12. Power plants.
13. Premises having radioactive materials such as laboratories, industries, hospitals.
14. Rendering plants.
15. Premises having a water recirculating system as used for boilers or cooling systems.
16. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
17. Beauty salons, barbershops, massage parlors, health clubs.

18. Fire suppression systems.
19. Multi-storied buildings greater than three stories in height.
20. Schools, universities, colleges.
21. Other commercial or industrial facilities which may constitute potential cross-connection sites.

SECTION 7-226: BACKFLOW PREVENTION; TYPE OF PROTECTION REQUIRED

A. The type of protection required under this article shall depend on the degree of hazard that exists, as follows:

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

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

SECTION 7-227: BACKFLOW PREVENTION; BACKFLOW PREVENTION DEVICES

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

B. Existing backflow prevention devices approved by the director prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of this article, but only if the devices will satisfactorily protect the public water supply system. One-hundred-percent-closing shutoff ball valves for testing shall be provided on existing

backflow prevention devices, if deemed necessary for proper testing by the director. If he deems it necessary that an existing backflow prevention device be replaced, it shall be replaced with an approved backflow prevention device.

SECTION 7-228: BACKFLOW PREVENTION; APPROVAL STANDARDS

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

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

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

SECTION 7-229: BACKFLOW PREVENTION; BOOSTER PUMPS

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

SECTION 7-230: BACKFLOW PREVENTION; YARD HYDRANTS, SPRINKLER SYSTEMS

A. The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below the ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.

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

SECTION 7-231: BACKFLOW PREVENTION; FIRE SUPPRESSION SYSTEMS

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

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

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

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

E. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

SECTION 7-232: BACKFLOW PREVENTION; VIOLATIONS

A. The facilities and maintenance director shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

1. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the facilities and maintenance director.
2. It is found that the backflow prevention device has been removed or bypassed.
3. An unprotected cross-connection exists on the premises.
4. A low pressure cut-off as required herein is not installed and maintained in working order.
5. The director is denied entry to determine compliance with these regulations.

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

C. Water service to such premises shall not be restored until the consumer has

corrected or eliminated such conditions or defects in conformance with this article.

SECTION 7-233: BACKFLOW PREVENTION; LIABILITY CLAIMS

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

SECTION 7-234: DRILLING AND OPERATION OF WELLS AND OTHER FACILITIES; PERMIT REQUIRED

A. From and after the effective date of this article, it shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the City without first having obtained the proper permit from the City Council: potable water well or any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; and sewage wet well.

B. In order to obtain a permit to drill and/or operate any of the facilities listed in subsection (A), the owner of property on which the proposed facility is to be located must make application on the proper form provided by the City Council. Such application must be presented to the 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 Council shall approve or deny said permit.

SECTION 7-235: WELLS OR OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES; PROHIBITED

It shall be unlawful to place, maintain, construction or replace any of the following facilities or structures or to discharge any of the following materials within the indicated number of feet from the City's public water supply wells:

Non-potable water well	1,000 feet
Sewage lagoon	1,000 feet
Any other well	1,000 feet
Absorption or disposal field for waste	500 feet
Cesspool	500 feet
Dumping grounds	500 feet
Feedlot or feedlot runoff	500 feet
Livestock corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet

SECTION 7-236: DROUGHT EMERGENCY CONTINGENCY PLAN

The City of Hickman shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more stringent in regard to water use than the previous stage, since there will be greater deterioration in water supply conditions. The mayor is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The mayor is given discretion to declare any stage as deemed appropriate by him/her by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

STAGE ONE: WATER WATCH

This stage is triggered by any one of the following conditions:

- A. Ground water levels have fallen five feet below normal seasonal levels.
- B. System pressure falls below 35 pounds per square inch.
- C. Demand for one day is in excess of 500,000 gallons per day.

GOALS: The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

MANAGEMENT ACTIONS: (A) Leaks will be repaired within 48 hours of detection; (B) The Village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

REGULATION ACTIONS: The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for leaks and dripping faucets, to prevent unnecessary use of water.

STAGE TWO: WATER WARNING

This stage is triggered by any one of the following conditions:

- A. Ground water levels have fallen ten feet below normal seasonal levels.
- B. System pressure falls below 35 pounds per square inch.
- C. Plant operations are at 80% capacity for more than three consecutive days.
- D. Demand for one day is in excess of 500,000 gallons per day.

GOALS: The goals of this stage are to reduce peak demands by 20% and to reduce over all weekly consumption by 10%.

MANAGEMENT ACTIONS:

- A. Water supply will be monitored daily.
- B. Leaks will be repaired within 24 hours of detection.

C. Pumping at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

D. The City will curtail its water usage, including watering of city grounds and washing vehicles.

REGULATION ACTIONS: In addition to the regulation actions of Stage One, the following regulatory authority may be exercised by the mayor.

A. An odd/even lawn watering system will be imposed on city residents. Those with odd-numbered houses will water on odd days and those with even-numbered houses will water on even days.

B. Outdoor water use, including watering lawns and washing cars will be restricted to before 10:00 a.m. and after 9:00 p.m.

C. Refilling of swimming pools or hot tubs will be limited to one day a week after sunset.

D. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.

E. Waste of water will be prohibited (i.e. water running down the street).

STAGE THREE: WATER EMERGENCY

This stage is triggered by any one of the following conditions:

A. Ground water levels have fallen 15 feet below normal seasonal levels.

B. System pressure falls below 35 pounds per square inch.

C. Any pumping lowers water levels to within five feet of the top of the well screens.

D. Plant operations are at 90% capacity for more than three consecutive days.

E. Demand for one day is in excess of 500,000 gallons per day.

GOALS: The goals of this stage are to reduce peak demands by 50% and to reduce overall consumption by 25%.

EDUCATION ACTIONS:

A. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.

B. The City will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions to be taken.

MANAGEMENT ACTIONS:

- A. The city water supplies will be monitored daily.
- B. Leaks will be repaired within 24 hours of detection.
- C. Standby wells will be activated for contingency operation.
- D. Pumping at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
- E. The City will seek additional emergency supplies from other users, the state or federal government.

REGULATION ACTIONS: In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the Mayor:

- A. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
- B. Waste of water will be prohibited.

ENFORCEMENT: In the event that any water consumer fails to comply with regulatory action taken by the City, then the Mayor may direct immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed by the Mayor after being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed.

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The City owns and operates the city sewer system through the facilities and maintenance director. The City Council, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the city sewer system may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) cost among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

B. The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund. The facilities and maintenance director shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the City Council.

SECTION 7-302: DEFINITIONS

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

"Approving authority" shall mean the Board of Public Works of the City or its duly authorized deputy, agent or representative, and the Board of Public Works shall have complete control of the sanitary sewer system.

"Biochemical oxygen demand" (BOD) shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

"Building drain" and "house drain" shall mean and include 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 outside the inner face of the building wall.

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

"Chlorine requirement" shall mean 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 for the Examination of Water, Sewage, and Industrial Waste*. See "Standard Methods."

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

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

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

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

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

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

"May" is permissive; "shall" is mandatory.

"City" shall mean the City of Hickman, Nebraska.

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

"Normal sewage" shall mean sewage not exceeding maximum tolerance of contamination of 300 milligrams per liter BOD or 350 milligrams per liter of suspended solids.

"Parts per million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

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

"pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is 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} .

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

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

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

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

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Sanitary sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

"Service charge" shall mean the basic assessment levied on all users of the public sewer system whose waste does not exceed in strength the concentration values established as representative of normal sewage.

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

"Sewage" is the spent water of a community. The preferred term is "wastewater."

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

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

"Shall" is mandatory; "may" is permissive.

"Slug" shall mean any discharge of water, sewage, or industrial waste 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.

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

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent editions of *Standard Methods for the Examination of Water, Sewage, and Industrial Waste*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

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

"Director" or "facilities and maintenance director" shall mean the director of public works or his authorized deputy, agent, or representative.

"Surcharge" shall mean 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" shall mean total suspended matter that either floats on the surface of, or is 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.

"Trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

"Trap seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

"Unpolluted waters" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

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

"Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

"Wastewater facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

"Wastewater treatment works" shall mean an arrangement of devices and structure for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant," "wastewater treatment plant" or "water pollution control plant."

SECTION 7-303: CITY POWERS

The City has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system, whether located inside or outside the city limits.

SECTION 7-304: MANDATORY HOOKUP

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

SECTION 7-305: APPLICATION FOR PERMIT

Any person wishing to connect with the sewer system shall make an application therefor to the facilities and maintenance director, who may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the City Council. Sewer service may not be supplied to any house or building except upon the written order of the director. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the City Council, provided, that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to nonresidents. (Neb. Rev. Stat. §17-149, 18-503)

SECTION 7-306: SEWER CONTRACT; NOT TRANSFERABLE

A. The City through the City Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The City may also furnish sewer service to persons whose premises are situated outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so. The rules, regulations, and sewer rental rates set forth in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served.

B. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the facilities and maintenance director or his agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the director or his agent. (Neb. Rev. Stat. §17-901, 17-902, 18-503)

C. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he shall at once inform the director, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-901, 17-902, 18-503)

SECTION 7-307: INSTALLATION; CLASSIFICATION; PERMIT, FEE

There shall be two classes of building sewer permits: (A) for residential and commercial service, and (B) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the facilities and maintenance director. A permit fee shall be paid to the City at the time the application is filed. Such fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. (Am. by Ord. No. 98-6, 6/25/98)

SECTION 7-308: INSTALLATION; EXPENSE, TAP FEE

The customer, upon approval of his application for sewer service, shall pay a tap fee which compensates the City for the expense of processing his application and tapping the sewer main. Such tap fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. The facilities and maintenance director, in his discretion, may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of the licensed plumber and shall pay all other costs of installation. The owner shall indemnify the City from

any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE

A. 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.

B. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights.

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

D. All installations or repairs of pipes require two inspections by the director. The first inspection shall be made when connections or repairs are complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the director at the time the work is ready for each inspection.

E. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the director, provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council.

SECTION 7-310: INSTALLATION; CONSTRUCTION CODES

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

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

SECTION 7-311: INSTALLATION; SINGLE PREMISES

A separate and independent building sewer shall be provided for every building, except

where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. However, the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

SECTION 7-312: INSTALLATION; EXISTING SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the facilities and maintenance director, to meet all requirements of this article.

SECTION 7-313: INSTALLATION; UNLAWFUL CONNECTION

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the facilities and maintenance director for purposes of disposal of polluted surface drainage, provided, if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-314: LICENSED PLUMBER; PERMIT REQUIRED; LIABILITY

A. The owners of any premises to which the city sewer system is available may, in the discretion of the facilities and maintenance director, employ a licensed plumber or drainlayer to make the necessary sewer connections to said premises. The owner or his/her agent shall, before making any repair, replacement or connection to the said sewer system, procure through the office of the city clerk a permit in writing to do so.

B. The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore all streets that have been excavated to the complete satisfaction of the facilities and maintenance director and make good any settlement of the ground or pavement caused by his/her excavation.

SECTION 7-315: COMPLIANCE WITH PLUMBING REGULATIONS

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage; excavate any trenches for sewer pipe; open, uncover or in any manner to make connection with or lay any sewer drain; or attach to, modify or repair any appurtenances without complying with the rules and regulations of the facilities and maintenance director, provided that nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 7-316: SEWER MAINTENANCE FUND

The operation, maintenance and replacement (OM&R) portion of the total sewer user charges shall be deposited in a non-lapsing Sewer Maintenance Fund, or set of funds,

and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R the Sewer Maintenance Fund will have a minimum of two primary accounts:

A. An O&M account with provision for carry-over of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year;

B. A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the "replacement" needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining said fund on a perpetual basis, the City shall budget a sum of money not less than 20% of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal year-end balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.

SECTION 7-317: USER CHARGE REVIEW

The City Council shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

A. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

B. Generate adequate revenues to pay the costs of OM&R;

C. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

SECTION 7-318: USER NOTIFICATION

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

SECTION 7-319: RENTAL FEES; CLASSIFICATION

For the purpose of rental fees, the City Council may classify the customers of the City Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency relative to the user charge grant condition. (Neb. Rev. Stat. §17-925.02)

SECTION 7-320: MINIMUM RATES; DWELLING UNIT

The procedures and rules to be followed for the setting of minimum charges for sewer service for each dwelling are set forth in Section 7-208. Those rules and procedures shall apply here in their full force.

SECTION 7-321: FEES AND COLLECTIONS

A. The City Council has the power and authority to fix the rates to be paid by the customers of the Sewer Department. All such fees shall be on file for public inspection at the office of the city clerk during normal business hours. The city clerk shall have the duty of collecting the rental fees of the customers of the Sewer Department monthly on the first day of each month.

B. If a customer shall for any reason order the service discontinued or shall vacate the premises, the amount due under the terms of this article, together with any rental fees and charges in arrears, shall be considered as a delinquent sewer rental which is hereby declared to be a lien upon the premises or real estate for which or from which the sewer was used or supplied, and upon the refusal of the customer to pay the said delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection.

C. Bills not paid by 5:00 P.M. on the 20th day of each month shall be deemed to be delinquent. Upon being deemed delinquent, there shall be added to said sewer bill and amount equal to 10% of the total original sewer bill due. If the bill and the penalty have not been paid by the last day of the same month, the clerk shall include notice of the City's intent to discontinue sewer service to the delinquent customer with the next regular sewer bill. Said disconnection shall be accomplished according to the procedures set forth in Section 7-102.

SECTION 7-322: SURCHARGES

In addition to other elements of the total user charge system set forth in the sewer ordinance on file with the city clerk the following surcharges shall apply:

A. A high strength waste surcharge established for pollutant levels (BOD, SS, etc.) which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant. (See Appendix B of 40 CFR 35.900)

B. The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from such discharge.

SECTION 7-323: COLLECTION OF SEWER USE FEES

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

SECTION 7-324: REPAIRS AND REPLACEMENT

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

public property or easements up to and including the point of junction with the public main.

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

(Neb. Rev. Stat. §18-1748)

SECTION 7-325: 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 City or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

SECTION 7-326: UNLAWFUL DISCHARGE OF UNTREATED SEWAGE

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

SECTION 7-327: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

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

SECTION 7-328: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

SECTION 7-329: PRIVATE SEWAGE DISPOSAL; PERMIT, FEE

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

SECTION 7-330: PRIVATE SEWAGE DISPOSAL; PERMIT, WHEN EFFECTIVE; INSPECTIONS

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the facilities and maintenance director. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director 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 director.

SECTION 7-331: PRIVATE SEWAGE DISPOSAL; SPECIFICATIONS

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 7-332: PRIVATE SEWAGE DISPOSAL; MAINTENANCE

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

SECTION 7-333: PROHIBITED DISCHARGES; STORM, SURFACE, GROUND, COOLING AND PROCESS WATER

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, including interior and exterior foundation drains, uncontaminated cooling water, water discharged from heat exchangers or similar devices, private well water other than that used for normal household use, or unpolluted industrial waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the facilities and maintenance director. Industrial cooling water or unpolluted process water may be discharged, on approval of the director, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the City for such costs. The costs shall be determined by the director with the approval of the City Council.

(Am. by Ord. No. 89-10, 10/12/89)

SECTION 7-334: HAZARDOUS AND PROHIBITED DISCHARGES; 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.

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 not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having:
 - a. A five-day BOD greater than 300 parts per million by weight or,
 - b. Containing more than 350 parts per million by weight of suspended solids, or
 - c. Having an average daily flow greater than 2% of the average sewage flow of the City, or
 - d. A chlorine requirement greater than demanded by normal sewage as evaluated by the City's consulting engineer shall be subject to the review of the facilities and maintenance director.

B. Where necessary in the opinion of the director, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to 300 parts per million by weight, or
2. Reduce the suspended solids to 350 parts per million by weight, or
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 director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

SECTION 7-335: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS

No person shall discharge or cause to be discharged the following-described substances, materials, waters, or wastes if it appears likely in the opinion of the facilities and maintenance director that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the director will give consideration to

such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150° Fahrenheit.

B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F.

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower or greater shall be subject to the review and approval of the director.

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

E. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials.

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

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

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

I. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate).
2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

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

SECTION 7-336: HAZARDOUS AND PROHIBITED DISCHARGES; OPTIONS INCLUDING 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 Section 7-335 above and which in the judgment of the facilities and maintenance director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the director may:

1. Reject the wastes,
2. Require pretreatment to a condition that is acceptable for discharge to the public sewers,
3. Require control over the quantities and rates 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 Section 7-337 below.

B. If the director 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 director, and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 7-337: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

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

SECTION 7-338: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil, and sand interceptors shall be provided when, in the opinion of the facilities and maintenance director, 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 director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner 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 director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

SECTION 7-339: PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER

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

SECTION 7-340: CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

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

SECTION 7-341: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

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

SECTION 7-342: DESTRUCTION OF PROPERTY

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

SECTION 7-343: COMPLIANCE; INSPECTIONS GENERALLY

The facilities and maintenance director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this article concerning hazardous and prohibited discharges. The director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 7-344: COMPLIANCE; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to in Section 7-343 above, the facilities and maintenance director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company.

The company shall be held harmless for injury or death to the city employees and the City shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 7-340.

SECTION 7-345: COMPLIANCE; INSPECTIONS; EASEMENTS

In order to verify compliance with the provisions of this article concerning hazardous and prohibited discharges, the facilities and maintenance director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 7-346: VIOLATION; NOTICE AND LIABILITY

Any person found to be violating any provision of this article concerning hazardous and prohibited discharges, except Section 7-342 (Destruction of Property), shall be served by the City 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. Any person violating any of said provisions shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

SECTION 7-347: SEVERABILITY CLAUSE

The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

SECTION 7-348: PENAL PROVISION; VIOLATION

Any person who shall continue any violation of any provision of this article concerning hazardous and prohibited discharges beyond the time limit provided in Section 7-346 shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Article 4 – Electric Department

SECTION 7-401: OWNERSHIP

The City owns and operates the city electrical system through the facilities and maintenance director. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the electrical 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 Electrical Fund and shall remain in the custody of the city treasurer. The director shall have the direct management and control of the electrical system and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system, subject to the supervision and review of the City Council. The Council shall by resolution set the rates to be charged for services rendered and shall file the same in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: SERVICE CONTRACTS; NOT TRANSFERABLE

A. The City, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the City Council may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named, in this article, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the City, to which both parties are bound. If customer should violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the facilities and maintenance director or his agent shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the director or his agent.

C. Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose, or remove from the premises where service is furnished in his name, or if the said premises are destroyed by fire or other casualty, he shall at once inform the director, who shall cause the electrical service to be shut off from the said premises. If the consumer should fail to give such notice, he shall be charged for all electricity used on the said premises until the director is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-403: CONSUMER'S APPLICATION; SERVICE TO NONRESIDENTS; HOOKUP FEE

Every person or corporation desiring electrical service must make application therefor to the facilities and maintenance director. Electricity may not be supplied to any house or building except upon the written order of the director or the City Council. The City shall not supply electrical service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the City to supply electrical service to nonresidents. A nonrefundable hookup fee shall be charged for the initial connection of each building to the electrical system. Such fee shall be set by ordinance of the City Council, on file at the office of the city clerk and

available for public inspection during office hours. (Am. by Ord. No. 98-8, 6/25/98; 2005-15, 5/10/05)

SECTION 7-404: SERVICE DEPOSIT

Any applicant for electrical service may be required to make a cash service deposit or enter into an electrical service surety agreement with the City to reasonably assure the City that payment will be made for electricity provided the applicant. The amount of the service deposit shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. The City Council may adjust the amount of the service deposit or accept a surety agreement in lieu of cash as an electric service deposit. The deposit shall be kept in the custody of the city treasurer for a period of two years. If the customer has maintained an adequate bill paying record, the deposit shall be refunded. (Am. by Ord. No. 95-11, 9/28/95)

SECTION 7-405: USER RATES

The City shall have the authority to establish charges and fees for use of the municipal electric system. Such fees and charges shall be established by ordinance and shall be on file in the city clerk's office for public inspection during office hours. The rate designated "summer rate" shall apply to usage from May 20 to September 20 of each year. The rate designated "winter rate" shall apply to usage the rest of each year.

SECTION 7-406: BILLING; DELINQUENT PAYMENTS

A. Electrical bills shall be due and payable monthly at the office of the city clerk. The electric meters shall be read monthly between the 18th day and the 20th day of the month during which service is used. The city clerk shall charge and collect from each customer for the amount of electricity consumed since the last examination, together with any other charges, properly itemized, due the Electrical Department. Bills shall be due upon receipt.

B. Bills not paid by 5:00 P.M. on the 20th day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, there shall be added to said electrical bill an amount equal to 10% of the total original electrical bill due. If the bill and the penalty have not been paid by the last day of the same month, the clerk shall include notice of the City's intent to discontinue electrical service to the delinquent customer with the next regular electrical bill. Said disconnection shall be accomplished according to the procedures set forth in Section 7-102.

(Am. by Ord. No. 2010-03, 3/23/10)

SECTION 7-407: DISCONNECTION OF SERVICE FOR NONPAYMENT

All electrical consumers shall be liable for the rates established from time to time by ordinance by the City Council, unless and until the consumer shall, by written order, direct the facilities and maintenance director to shut off the electricity, in which case the consumer shall not be liable thereafter for electrical service until the electricity is turned on again.

SECTION 7-408: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the

facilities and maintenance director may appear before the City Council and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of electric service, or for the resumption of electric service after the same shall have been shut off, shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the City Council for a refund of the amount so paid under protest. Such claims shall then be considered by the City Council in the same manner as other claims against the City.

SECTION 7-409: INSTALLATION EXPENSE

The expense of installation and equipment up to and including the electrical meter shall be paid by the City. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-410: LICENSED ELECTRICIAN

Under no circumstances shall connections be made between the wires of the electrical distribution system and the meter of the consumer, except by an employee of the City or a licensed electrician authorized to do so by the facilities and maintenance director. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All wiring, equipment, and apparatus shall be installed according to the electrical code duly adopted by the City. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the director and the building inspector, provided such rules, regulations, and specifications have been reviewed and approved by the City Council. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-411: INSPECTIONS

The facilities and maintenance director or his duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied, provided that in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

SECTION 7-412: METERS

All electrical meters shall be read at least one time each month as provided in Section 7-406. In the event a meter is broken or otherwise fails to register accurately, the six-month average of the season one year previous to such breakage shall be used for billing purposes. (Neb. Rev. Stat. §19-1404)

SECTION 7-413: DELIVERY OF POWER

The city electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The facilities and maintenance director has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The City shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting

from interruption of service due to causes over which the City has no control; and the City expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-414: BUILDING MOVING

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the city electrical system, the same shall be done pursuant to Section 9-301. (Neb. Rev. Stat. §19-1404)

SECTION 7-415: POSTING SIGNS

It shall be unlawful for any person to post, tack, or fasten any sign, poster, advertisement, or banner to the poles, structures, fixtures, or equipment of the city electrical system without written permission from the facilities and maintenance director. (Neb. Rev. Stat. §19-1404)

SECTION 7-416: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the city electrical system shall, before doing the said work, give reasonable written notice to the facilities and maintenance director and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electrical system, the City Council shall have the power to order cut and remove any overhanging branches or limbs of trees so that the lines will be free and safe.

SECTION 7-417: 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 city electrical system. (Neb. Rev. Stat. §28-512)

SECTION 7-418: CONNECTION OF TEMPORARY POWER

A. Permits may only be applied for and issued to the electrical contractor or the property owner.

B. Temporary power shall be installed by the electrical contractor. The electrician making the installation must have a copy of a master electrical license and proof of insurance on file with the City.

C. Temporary power connections shall be inspected by the electrical inspector before such power will be hooked up by the City.

D. All temporary power poles and doors and other apparatus shall comply with state and city electrical codes.

E. Temporary electric poles or doors shall have GFI protection on the 110 volt line. They shall also be grounded with either a butt splice ground in continuous length or

a ground rod, or both.

F. Rough-in and service inspection shall be completed before temporary power is disconnected.

G. Temporary electrical permits shall be valid for no longer than six months.
(Ord. No. 99-3, 4/13/99)

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

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