

CHAPTER 7 – PUBLIC UTILITIES

ARTICLE 1 – UTILITIES GENERALLY

- SECTION 7-101: CITY POWERS; RATE SETTING**
- SECTION 7-102: MANDATORY USE OF CITY SERVICES**
- SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT AND OTHER FEES**
- SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE**
- SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY**
- SECTION 7-106: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**
- SECTION 7-107: LIEN**
- SECTION 7-108: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE**
- SECTION 7-109: DIVERSION OF SERVICES; PENALTY**

ARTICLE 2 – WATER DEPARTMENT

- SECTION 7-201: OPERATION AND FUNDING**
- SECTION 7-202: DEFINITIONS**
- SECTION 7-203: MANDATORY HOOKUP**
- SECTION 7-204: SERVICE TO NON-RESIDENTS**
- SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**
- SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE**
- SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE; METER DEPOSIT**
- SECTION 7-208: REPAIRS AND MAINTENANCE; METERS**
- SECTION 7-209: PLUMBER'S LIABILITY**
- SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE**
- SECTION 7-211: WATER RATES**
- SECTION 7-212: BILLING AND COLLECTIONS**
- SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-214: DESTRUCTION OF PROPERTY**
- SECTION 7-215: FIRE HYDRANTS**
- SECTION 7-216: POLLUTION**
- SECTION 7-217: FLUORIDE PROHIBITED**
- SECTION 7-218: BACKFLOW PREVENTION; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING**
- SECTION 7-219: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES**
- SECTION 7-220: WATER WELL; DEFINITION**
- SECTION 7-221: RESTRICTED USE**

ARTICLE 3 – SEWER DEPARTMENT

- SECTION 7-301: OPERATION AND FUNDING**
- SECTION 7-302: DEFINITIONS**
- SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES;
PROHIBITED FACILITIES**
- SECTION 7-304: MANDATORY HOOKUP**
- SECTION 7-305: SERVICE TO NON-RESIDENTS**
- SECTION 7-306: INSTALLATION EXPENSE; TAP FEE**
- SECTION 7-307: REPAIRS AND MAINTENANCE**
- SECTION 7-308: PLUMBER'S LIABILITY**
- SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS**
- SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS**
- SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION**
- SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED
DRAINAGE**
- SECTION 7-313: SEWER RATES**
- SECTION 7-314: BILLING AND COLLECTIONS**
- SECTION 7-315: MANHOLES**
- SECTION 7-316: DESTRUCTION OF PROPERTY**

ARTICLE 4 – ELECTRIC SYSTEM

- SECTION 7-401: OPERATION AND FUNDING**
- SECTION 7-402: LICENSED ELECTRICIAN**
- SECTION 7-403: INSTALLATION EXPENSE**
- SECTION 7-404: REPAIRS AND MAINTENANCE**
- SECTION 7-405: ELECTRICITY RATES**
- SECTION 7-406: BILLING AND COLLECTIONS**
- SECTION 7-407: RESTRICTED USE**
- SECTION 7-408: BUILDING MOVING**
- SECTION 7-409: METER TESTING**
- SECTION 7-410: TRIMMING TREES**
- SECTION 7-411: DESTRUCTION OF PROPERTY**

ARTICLE 5 – NATURAL GAS SYSTEM

- SECTION 7-501: OPERATION AND FUNDING**
- SECTION 7-502: RATES**
- SECTION 7-503: BILLING AND COLLECTIONS**

ARTICLE 6 – SOLID WASTE DISPOSAL AREA

- SECTION 7-601: DEFINITIONS**
- SECTION 7-602: REGULATION**
- SECTION 7-603: LIABILITY; PROOF OF PROPER DISPOSAL**

SECTION 7-604: OPERATION; FEES
SECTION 7-605: OTHER FEES AND CHARGES
SECTION 7-606: PROHIBITED ITEMS
SECTION 7-607: ACCESS LIMITED
SECTION 7-608: REMOVAL PROHIBITED; EXCEPTION
SECTION 7-609: HOURS
SECTION 7-610: CHARGE FOR OPENING

ARTICLE 7 – PENAL PROVISION

SECTION 7-701: VIOLATION; PENALTY

CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

The city currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, an electricity distribution system, and a natural gas distribution system. The city has the right and power to tax assets and collect from its residents payment for use of the utilities supplied to them. The City Council is authorized to establish by ordinance such rates for water, sewer, electrical, and natural gas service as may be deemed fair and reasonable. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the city clerk for public inspection. (Neb. Rev. Stat. §§17-538, 17-542)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

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

SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT AND OTHER FEES

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to make a service deposit, tap fees and, if necessary, meter deposit fees in such amounts as set by resolution by the City Council and kept on file at the city office. The deposit required for utility services shall be promptly paid upon demand by all utility customers. From the said deposit shall be deducted all delinquent charges. The deposit shall be collected by the city clerk and immediately turned over to the city treasurer, who shall keep the said fees in a trust fund for the customers of the utility systems. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the utility systems.

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

C. No applicant for the services of a public or private utility company furnishing utilities in this city shall be denied service because of unpaid bills for similar service

which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601) (Ord. No. 2000-907, 12/21/00)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The city through its utility departments shall furnish utility services to persons whose premises abut on any appurtenance of the distribution system and may furnish service 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 set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the city and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of utilities by a new consumer thereof and the furnishing of water, sewer, electricity, and natural gas service to said consumer shall constitute a contract between the consumer and the city, to which said contract both parties are bound. A meter shall always be attached to the water service of such contract consumer.

C. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the utilities superintendent may cut off or disconnect the utility services from the building or premises of such violation. No further connections for service to said building or premises shall again be made save or except by order of said superintendent.

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

(Neb. Rev. Stat. §§17-537) 17-902, 19-1404

SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY

A. All meters of consumers shall be read by the utilities superintendent or his agent monthly, preceding the billing date. It shall be the duty of the clerk to compute or cause to be computed a joint bill monthly according to the appropriate provisions of this code. Utility bills shall be joint, monthly bills for all utilities including water, sewer, electricity, natural gas, and trash disposal and shall be due and payable on the 1st day of each month at the office of the city clerk. It shall be the duty of all utilities customers to cause their payments to be mailed or to present themselves at the office of the city clerk and pay their bills for all utility charges. Bills shall be deemed delinquent if not

paid by the 10th day of the month in which they are due and shall be assessed a late fee of 10%.

B. Upon being deemed to be delinquent, as herein defined, the city clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. Any customer who fails to pay his or her bill after receiving such demand shall be subject to discontinuance of any or all utility services as provided in Section 7-106. The City Council shall assess an additional fee for resumption of service as set by resolution and filed at the office of the city clerk. If a consumer whose service has been disconnected has such service reconnected within 12 months of such disconnection, a reconnection charge equal to the minimum monthly charge for the preceding 12 months or any part thereof shall be collected by the city.
(Neb. Rev. Stat. §§17-538, 17-542)

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

A. No city utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Department of Social Services, such notice shall be by certified mail to the subscriber and to Social Services.

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

C. This section shall not apply to any disconnections or interruptions of services made necessary by the city for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §§70-1603, 70-1604, 70-1606, 70-1608) (Am. Ord. Nos. 545, 2/4/85; 98-827, 4/6/98)

SECTION 7-107: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the city clerk on June 1 of each year to

report to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

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

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

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

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

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §28-515.02) (Ord. No. 96-790, 9/3/96)

SECTION 7-109: DIVERSION OF SERVICES; PENALTY

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

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

recover as damages:

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

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

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

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

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

(Neb. Rev. Stat. §§25-21,276, 25-21,277) (Ord. No. 526, 12/5/83)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

The city owns and operates the Water Department through the utilities superintendent. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water and sewer maintenance fund and shall remain in the custody of the city treasurer. The utilities superintendent 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 department, subject to the supervision and review of the mayor and City Council. The council shall set the rates by ordinance and shall file a copy in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

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

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

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

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

SECTION 7-203: MANDATORY HOOKUP

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

B. The city may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid with permission from the mayor and City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide water service to persons whose property line is not within 300 feet of the said main.

(Neb. Rev. Stat. §17-532)

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

(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NON-RESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the city to provide water service to non-residents. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301) (Ord. No. 582, 5/2/88)

SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE

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

SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE; METER DEPOSIT

A. The city shall pay the cost of tapping the water main, installing the meter, and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the utilities superintendent or his duly authorized agent shall tap the main. The customer shall pay a tap fee and, if necessary, a meter deposit fee as provided in Section 7-103 in such sum as the superintendent shall require in each case, pursuant to resolution of the City Council.

B. The customer shall at his or her own expense bring water service from the stop box and upon his or her own premises and shall employ a licensed plumber, who shall install the water meter and all water service to the place of dispersion.

C. Non-residents shall pay such fees and installation charges in such sums as the utilities superintendent, pursuant to resolution of the City Council, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

D. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utilities superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises.

(Neb. Rev. Stat. §17-542)

SECTION 7-208: REPAIRS AND MAINTENANCE; METERS

A. The city shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the utilities superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent.

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

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

(Neb. Rev. Stat. §17-537)

SECTION 7-209: PLUMBER'S LIABILITY

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

SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE

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

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

C. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council.
(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-211: WATER RATES

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

SECTION 7-212: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Water Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION

The utilities superintendent or his duly authorized agent shall have free access at any

reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

SECTION 7-214: 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 utilities superintendent.

SECTION 7-215: FIRE HYDRANTS

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

SECTION 7-216: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any river, stream, well or other source of water for domestic use or for the supply of the Water Department. (Neb. Rev. Stat. §§17-536, 28-1304)

SECTION 7-217: FLUORIDE PROHIBITED

No fluoride or fluoride compound shall be added to the water supply of the city. (Ord. Nos. 475, 11/20/79; 663, 8/17/92; 2008-1020, 7/21/08; 2009-1036, 12/7/09)

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

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

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

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

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

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

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

SECTION 7-219: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES

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

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

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the city or its extraterritorial jurisdiction without first having obtained the proper permit from the City Council. In order to obtain a permit to drill and/or operate any of the said facilities,

the owner of property on which the proposed facility is to be located must make application on the proper form provided by the city. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the council must approve or deny said permit.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the city and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 5 (Nuisances) of this code.

(Ord. No. 96-795, 10/21/96)

SECTION 7-220: WATER WELL; DEFINITION

For the purpose of this article, the term "water well" shall mean any hole drilled for the purpose of finding, pumping, or producing water in any manner and shall also include any existing hole previously drilled which may be utilized for the purpose of finding, pumping, or producing water in any manner and which is currently not being so utilized or operated. (Ord. No. 96-795, 10/21/96)

SECTION 7-221: RESTRICTED USE

The mayor and City Council or the utilities superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The city shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the city has no control. It shall be unlawful for any resident or property owner within the corporate city limits to water lawns during such times that the council or the utilities superintendent shall deem it necessary to order a reduction in the use of water. (Neb. Rev. Stat. §17-537) (Am. Ord. No. 95-757, 7/17/95)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

The city owns and operates the Sewer Department through the utilities superintendent. The mayor and City Council, for the purpose of defraying the cost of the management and maintenance of the Sewer 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 and sewer maintenance fund and shall remain in the custody of the city treasurer. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department, subject to the supervision and review of the mayor and City Council. The council shall set the rates by ordinance and shall file a copy in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §17-925.01) (Am. Ord. No. 98-862, 11/16/98)

SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground,

surface, and storm waters as may be present.

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

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

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

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

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

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

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

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

C. Installation of septic tanks shall be prohibited except upon the approval of the utilities superintendent.

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

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for

violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

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

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

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

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 60 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.

(Neb. Rev. Stat. §18-503)

SECTION 7-305: SERVICE TO NON-RESIDENTS

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

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sew-

er shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the city, as provided in Section 7-103, which compensates the city for the expense of processing the application and tapping the sewer main. The utilities superintendent 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 and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-307: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent, provided the same have been previously approved by the City Council.

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 utilities superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748) (Am. Ord. No. 544, 1/21/85)

SECTION 7-308: PLUMBER'S LIABILITY

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

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

All installation or repair of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on

file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS

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

SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make such connections through one pipe. (Neb. Rev. Stat. §18-503)

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

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

SECTION 7-313: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance. There is hereby levied a monthly service charge for each domestic or commercial connection to the sanitary sewer system of the city. (Neb. Rev. Stat. §18-509)

SECTION 7-314: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Sewer Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

SECTION 7-315: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is

prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 7-316: DESTRUCTION OF PROPERTY

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

Article 4 – Electric System

SECTION 7-401: OPERATION AND FUNDING

The city owns and operates the city electric system through the utilities superintendent. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the 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 electric fund and shall remain in the custody of the city treasurer. The utilities superintendent shall have the direct management and control of the electric system and shall faithfully carry out the duties of the office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system, subject to the supervision and review of the mayor and council, and shall abide by state and federal standards. The council shall set the rates by ordinance and shall file a copy 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, 19-1305)

SECTION 7-402: LICENSED ELECTRICIAN

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

SECTION 7-403: INSTALLATION EXPENSE

The expense of aerial installation and equipment up to the house or structure shall be paid by the city. For underground installation in parts of the city where such installation is optional, the customer must pay the cost of trenching and filling unless the home or structure is all electric, in which case the city shall pay the entire cost to bring service to the house or structure. In all new additions of the city where underground installation is required, the city shall pay the entire cost to bring service to all houses or structures. The customer shall pay for the installation and wiring of the meter loop, with the city furnishing the meter. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the customer. (Neb. Rev. Stat. §17-902)

SECTION 7-404: REPAIRS AND MAINTENANCE

A. The city shall repair and replace all electrical lines up to the customer's meter. All electric meters shall be kept in repair by the city at its expense. When meters are

worn out, they shall be replaced and reset by the city at its expense; provided, if the customer permits or allows an electric meter to be damaged, injured or destroyed through his or her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the utilities superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as electric bills are collected.

B. 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 electric meter to be running 2% or more fast, the expense of such test shall be borne by the city. The city reserves the right to test any electric 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 electric service line at the city's expense. Should a customer's meter fail to register properly, the customer shall be charged for electricity during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists or changes in service to the customer's service make such estimate unreliable, the customer shall be charged such amounts as may be reasonably fixed by the utilities superintendent.

SECTION 7-405: ELECTRICITY RATES

All electrical consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the utilities superintendent to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again. (Neb. Rev. Stat. §17-902)

SECTION 7-406: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the Electric Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §19-1404)

SECTION 7-407: RESTRICTED USE

The electric 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 utilities superintendent 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 7-408: 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 electric system, the same shall not be done except upon written permission received from the utilities superintendent, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the electric system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. (Neb. Rev. Stat. §19-1404)

SECTION 7-409: METER TESTING

Each customer who requests that his or her electric meter be checked for accuracy shall be assessed a charge to reimburse the city for the actual cost of such testing. If the meter proves to be registering inaccurately, resulting in an overcharge to the customer, the dollar assessment shall be returned to the customer. Said assessment shall be set by the City Council and filed in the office of the city clerk.

SECTION 7-410: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the utilities superintendent 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 electric 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 7-411: 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 electric system. (Neb. Rev. Stat. §28-512)

Article 5 – Natural Gas System

SECTION 7-501: OPERATION AND FUNDING

The city owns and operates the natural gas system through the utilities superintendent. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the natural gas 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 natural gas maintenance fund and shall remain in the custody of the city treasurer. The utilities superintendent shall have the direct management and control of the natural gas system 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 system, subject to the supervision and review of the mayor and council, and shall abide by state and federal standards. The council shall set the rates by ordinance and shall file a copy in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §§19-1305)

SECTION 7-502: RATES

A. Consumers of natural gas distributed by the gas system of the city shall be charged on the basis of the following schedules of rates:

1. Schedule No. RG (Residential Gas). Available upon request to residential consumers with daily requirements less than 2,000 hundred cubic feet (CCF) for any usual residential use in private dwellings or separately metered apartments, contingent on an adequate gas supply and distribution system capacity.
2. Schedule IG (Small Volume Interruptible). Available upon request to non-residential customers with daily requirements less than 2,000 CCF, contingent on an adequate gas supply and distribution system capacity.
3. Schedule No. GSG (General Service Gas). Available upon request to non-residential customers with daily requirements less than 3,000 CCF for any business or manufacturing use and in master metered buildings with leased spaces for business or dwellings, contingent on an adequate gas supply and distribution system capacity.
4. Schedule No. LSG (Large Service Gas). Available upon request to non-residential customers with daily requirements greater than 3,000 CCF for any business or manufacturing use and in master metered buildings with leased spaces for business or dwellings, contingent on an adequate gas supply and distribution system capacity.

D. The minimum bill for each aforementioned schedule shall be the customer

charge.

(Ord. Nos. 2016-1110, 8/1/16; 2017-1125, 12/4/17; 2017-1125, 12/4/17)

SECTION 7-503: BILLING AND COLLECTIONS

The city clerk shall bill the consumers, collect all money received by the city on the account of the gas system, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-105 and 7-106. (Neb. Rev. Stat. §17-540)

Article 6 – Solid Waste Disposal Area

SECTION 7-601: DEFINITIONS

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

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

"Yard waste" shall mean grass and leaves.
(Neb. Rev. Stat. §81-1502) (Ord. No. 95-759, 9/5/95)

SECTION 7-602: REGULATION

In addition to the provisions of this article concerning the manner of operation of the Solid Waste Disposal Area, the mayor and the City Council may make such regulations from time to time as will assure operation of said area in compliance with pertinent laws and regulations as set by Neb. Rev. Stat. §§13-2001 through 13-2043. (Ord. No. 2008-1019, 7/21/08)

SECTION 7-603: LIABILITY; PROOF OF PROPER DISPOSAL

The City Council has separately established charges to be paid to it by each person whose premises are served by the city solid waste collection system. For purposes of such charges, a person's premises are deemed to be served by the city solid waste collection system and the owner and occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the council that the premises are unoccupied. For the purposes of this article, "unoccupied" shall mean that all utilities are disconnected from the premises. (Neb. Rev. Stat. §13-2020) (Ord. No. 2000-917, 12/21/00)

SECTION 7-604: OPERATION; FEES

A. The city owns a Solid Waste Disposal Area, which includes the trash compactor and transfer station, for disposal of solid waste by the residents of the city and owners or operators of commercial, light industrial and institutional property located within the city limits. The City Council, for the purpose of defraying the cost of the construction, care, management and maintenance of the Solid Waste Disposal Area, shall levy a fee on each residential, commercial, light industrial and institutional property which is charged by the city for any public utility service furnished by the city to such property. The fees shall be set by resolution of the council and kept on file at the office of the city clerk.

1. *Residential.* A residential fee is charged to single-family dwellings, mobile

homes or to each of the units of flats, apartment houses or multiple-family dwellings that are served by any public utility.

2. *Commercial.* A commercial fee is charged to all others not listed in subsection (1) herein, including but not limited to buildings, churches, storage buildings and garages or to each unit occupying a single property which are served by any public utility and not included in the definition for residential property or light industrial or institutional.
3. *Light Industrial or Institutional.* A light industrial or institutional fee is charged to all light industrial or institutional businesses.

B. The said fees do not cover the charges for the disposal of construction and remodeling waste and/or debris and other miscellaneous items but shall be based on load size and shall be set by the utilities superintendent based on the fees charged to the city for disposal at licensed dump sites.

C. The solid waste disposal fee will be included on the monthly joint utility bill issued by the city and shall be due and payable along with the other utilities.
(Ord. No. 2008-1019, 7/21/08)

SECTION 7-605: OTHER FEES AND CHARGES

A. Residents of the unincorporated areas of Cuming County who are not utility customers of the city can dispose of household waste at the Solid Waste Disposal Area upon payment of the applicable fees set by resolution of the City Council and kept on file at the office of the city clerk.

B. The following vehicles shall be subject to varying fees:

1. Car;
2. Pickup-sized trailer or smaller, or pickup-sized trailer with side boards;
3. Pickup truck without sideboards, with sideboards, or with stock rack;
4. Trucks and/or trailers larger than described above.

C. There shall be a charge for opening the Solid Waste Disposal Area at any time during regular city business hours other than the normal operating hours of the facility, in addition to any applicable fee based on load size.

D. Varying fees will be charged for disposing of appliances, vehicle tires and inner tubes, loads not covered, and loads in closed containers or bags. There is no charge for wire and fencing in neat rolls.
(Ord. No. 2008-1019, 7/21/08)

SECTION 7-606: PROHIBITED ITEMS

The following items will not be accepted for disposal at the Solid Waste Disposal Area:

- A. Chemicals or chemical containers;
- B. Herbicides or herbicide containers;
- C. Insecticides or insecticide containers;
- D. Pesticides or pesticide containers;
- E. Fertilizer or fertilizer containers;
- F. Dead animals, animal parts or remains;
- G. Fuel tanks;
- H. Motor vehicles or motor vehicle parts;
- I. Ashes;
- J. Tree stumps;
- K. Batteries, oil, oil filters, Freon, propane;
- L. Butane cylinders;
- M. Sealed containers of any kind;
- N. Drums that do not have the top cut out;
- O. Treated lumber or posts;
- P. Large pieces of concrete;
- Q. Tires on rims;
- R. Tractor tires; or
- S. Any other hazardous, corrosive, flammable or toxic materials.

(Ord. No. 2008-1019, 7/21/08)

SECTION 7-607: ACCESS LIMITED

Access to and disposal of waste at the Solid Waste Disposal Area shall be limited to residents of the city, owners or operators of commercial and light industrial or institutional property located in the City of Wisner, and residents of the unincorporated areas of Cuming County, Nebraska. (Ord. No. 2008-1019, 7/21/08)

SECTION 7-608: REMOVAL PROHIBITED; EXCEPTION

No items, except firewood, shall be removed from the Solid Waste Disposal Area. (Ord. No. 2008-1019, 7/21/08)

SECTION 7-609: HOURS

A. The city trash compactor and transfer station shall be open during the following hours, except upon holidays observed by the City of Wisner:

1. Monday and Wednesday: 10:00 a.m. to 12:00 noon; 1:00 p.m. to 5:00 p.m.; and 6:00 p.m. to 8:00 p.m.
2. Saturday: 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.

B. The city trash compactor and transfer station shall be open the day after any holiday that falls on a regularly open day, except Sundays.

(Am. Ord. No. 616, 8/6/90)

SECTION 7-610: CHARGE FOR OPENING

There shall be varying charges for opening the Solid Waste Disposal Area at any time other than normal operating hours, which shall mean during regular city business hours other than open hours of the Solid Waste Disposal Area or 1:00 p.m. on weekdays, plus any applicable fee based on load size. (Ord. No. 616, 8/6/90) (Am. Ord. No. 662, 8/17/92)

Article 7 – Penal Provision

SECTION 7-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. Ord. No. 2000-910, 12/21/00)