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## **CHAPTER VI - PUBLIC UTILITIES**

### **ARTICLE I - UTILITIES GENERALLY**

#### **SECTION 6-101: BILLING**

Utility bills shall be a joint bill for all utilities and shall be due and payable monthly at the office of the city clerk. It shall be the duty of the city clerk to compute or cause to be computed a joint utility bill by the end of each month according to the appropriate provisions of this Code. It shall be the duty of all utility customers to present themselves monthly at the office of the city clerk and pay their bill for all utility charges. (Neb. Rev. Stat. §17-537, 18-503, 19-1404)

#### **SECTION 6-102: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE**

1. 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 the same become delinquent. Before any termination, the utilities superintendent 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 as a welfare recipient to the City by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services.

2. The notice shall contain the following information:

- A. The reason for the proposed disconnection;
- B. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the department regarding payment of the bill;
- C. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- D. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
- E. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

- F. A statement that the department may not disconnect service pending the conclusion of the conference;
- G. 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 clerk within five days of receiving notice under this section and will prevent the disconnection of the utility 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 non-payment of any due account;
- H. The cost that will be borne by the domestic subscriber for a restoration of service;
- I. A statement that the domestic subscriber may arrange with the City for an installment payment plan;
- J. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
- K. Any additional information not inconsistent with this section which has received prior approval from the City Council.

3. A domestic subscriber may dispute the proposed discontinuance of service by notifying the utilities superintendent 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 utility may discontinue services.

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

5. This section shall not apply to any disconnection or interruptions of service 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.  
(Neb. Rev. Stat. §7-1605 et seq.)

#### SECTION 6-103: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility 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 used. The city clerk shall notify in writing, or cause to be notified in writing, all owners or premises of their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility rent. It shall be the duty of the city clerk at the regular monthly meeting of the City

Council to report to the council a list of all unpaid accounts due for utilities, 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. (Am. Ord. No. 902, 7/28/03)

**SECTION 6-104: DIVERSION OF SERVICES, METER TAMPERING,  
UNAUTHORIZED RECONNECTION, PROHIBITED;  
EVIDENCE**

1. Any person who 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 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 water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

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

3. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or Section 6-102 of this Code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

4. Proof of the existence of any 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)

**SECTION 6-105: DIVERSION OF SERVICES; PENALTY**

1. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (A) bypassing, (B) tampering, or (C) 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.

2. 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:

A. The amount of actual damage or loss if the amount of the damage or loss is susceptible to reasonable calculation; or

B. Liquidated damages or \$750.00 if the amount of actual damage or loss is not susceptible to reasonable calculation.

3. In addition to damage or loss under subdivision 1 or 2 of this section, 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 attorneys fees in cases within the scope of Neb. Rev. Stat. §25-1801.

4. 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 (A) 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 (B) 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.

5. 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.

6. 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. §86-331.01 through 86-331.04)

## **ARTICLE II – WATER DEPARTMENT**

### **SECTION 6-201: OPERATION AND FUNDING**

The City owns and operates the city Water Department through the utilities superintendent. The City Council, for the purpose of defraying the cost, 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 utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his/her office. The utilities superintendent shall have the authority to make rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the City Council. The City Council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection at any reasonable time. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

### **SECTION 6-202: TERMS DEFINED**

The following definitions shall be applied throughout this article. Where no definition is

specified, the normal dictionary usage of the word shall apply.

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

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

3. "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 disbursing the same, in the City.

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

5. "Separate premises" is hereby defined to mean that only one consumer shall procure water from the same service or supply pipe. Any other property using the same service or supply pipe is to be considered a separate premises for billing and installation of a separate water meter.

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

7. "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.

8. "Utilities superintendent" shall mean that official appointed by the City Council to have the direct management and control of the Water Department. Such official may, additionally, coincidentally or alternatively, perform the functions of, bear the title of, and be vested with the authority of, the building inspector, electrical inspector, plumbing inspector or zoning inspector.

#### SECTION 6-203: CONSUMER'S APPLICATION

Every person or persons desiring a supply of water must make application therefor to the city clerk upon the form to be furnished for that purpose. The applicant shall be required to accompany his/her application with a fee, said fee to be set from time to time by resolution of the City Council. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent. The department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the City to provide water service to non-residents.

#### SECTION 6-204: WATER CONTRACT

The City through its water system shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The City may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid, and may also furnish water to persons whose premises are situated

outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so. The rules, regulations and water rates hereinafter named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use of 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 utilities superintendent or his/her agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made, save or except by order of said utilities superintendent or his/her agent. (Neb. Rev. Stat. §17-537)

#### SECTION 6-205: INSTALLATION EXPENSE

The expense of providing water service to the curb stop at or near the lot line shall be the City's, provided that in no event shall the City pay for the installation of more than 70 feet of water service line. The cost of the installation of the stop box and meter shall be paid by the City. The customer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching and the necessary labor to bring water service from said lot line to the place of dispersal. (Am. Ord. No. 1044, 3/3/12)

#### SECTION 6-206: 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. 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. All installations or repairs of pipes require two inspections by the superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed by the superintendent; provided that said rules, regulations and specifications have been reviewed and approved by the City Council. (Neb. Rev. Stat. §17-537)

#### SECTION 6-207: INSTALLATION REQUIREMENTS

1. Upon approval of the customer's application for water service, the City shall be responsible for tapping the main at a location chosen by the City. The City shall be responsible for installation of the stop cock, corporation cock meter, and supply pipe and service pipe to the curb stop. All supply pipe and service pipe from the curb stop to the premises to be served shall be the responsibility of the customer. All city mains shall be



installed by the City.

2. All pipe of one inch or less in diameter between the corporation cock and the meter must be copper and must be of sufficient strength to resist the maximum water pressure and larger pipe must be of a type and quality approved by the utilities superintendent. Without a special permit from the superintendent, all service pipes must be laid as much underground as the main pipe in the street and in all cases be so protected as to prevent ruptures by freezing. Every service pipe for each consumer must be provided with a stop and waste cock, easily accessible and so situated that the water can be conveniently shut off and drained from the pipe. Such stop and waste cock shall be placed as near the meter as possible and between it and the water main. Curb stop cocks shall also be provided and be of such pattern as shall be approved by the utilities superintendent. Unless otherwise permitted, curb stop cocks shall be placed in the service pipe at the edge of the sidewalk nearest the curb line and be protected by a box or iron pipe reaching from the cock to the surface, of suitable size to admit a stop key for turning off and on the stop, and also with a cast iron cover having the letter "W" marked thereon, visible and even with the surface.

#### SECTION 6-208: MAINTENANCE AND REPAIRS

1. Repairs to the service and supply pipe to the curb stop shall be made by the City. Repairs to service and supply pipe from the curb stop to the premises shall be made by and at the expense of the customer. All other repairs to the property of the Water Department shall be the responsibility of the department. 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 utilities superintendent at the expense of the City; provided, if the customer permits or allows a water meter to be damaged, injured or destroyed through his/her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the 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.

2. All meters shall be tested at the customer's request at his/her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the City. 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 utilities superintendent.

(Neb. Rev. Stat. §17-542)

#### SECTION 6-209: FEES AND COLLECTIONS

The City Council has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the city clerk. The utilities superintendent shall bill the consumers and collect all money received by the City on the account of the Water Department. He/she shall faithfully account for and pay to the city treasurer all

revenue collected, making his/her receipt therefor in duplicate, keeping one and filing the other in the Water Department's official records. (Neb. Rev. Stat. §17-540)

#### SECTION 6-210: WATER BILLS

Upon receipt, water bills shall be due and payable monthly at the office of the city clerk. (Neb. Rev. Stat. §17-542, 18-416)

#### SECTION 6-211: WATER RENTAL RATES

1. All water consumers shall be liable for the minimum rates on file in the office of the city clerk unless and until the consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case the water user shall not be liable thereafter for water rental until the water is turned on again.

2. Nonresident customers shall be assessed at double the rates; provided, however, the nonresident double rate assessment may be waived at the City Council's discretion.

3. When more than one customer uses water from a single tap, as in the case of trailer courts and apartment buildings, the rates applicable to a single customer shall be charged for each apartment or trailer regardless of the number of tenants. The owner of the premises shall be billed for the water rental due.

4. During the months of April, May, June, July, August, September and October, there shall be a cap on the billing amount for usage up to and including 60,000 gallons for a residential water user. There shall also be a special rate for usage of water in excess of 60,000 gallons during these months. Such billing rates shall be set by the City Council and filed in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §17-542) (Am. Ord. Nos. 989, 8/4/08; 1004, 6/8/09)

#### SECTION 6-212: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

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: (1) solders and flux, not more than .2% lead; and (2) pipe and pipe fittings, not more than 8% lead. All new lines shall have check valves installed and such installation shall be inspected and approved by the utilities superintendent, who shall have the authority to refuse to turn on the city water on any premises until the plumbing has been made to comply with all statutory sections. (Neb. Rev. Stat. §71-5301)

#### SECTION 6-213: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his/her premises nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written permission of the utilities superintendent.

#### SECTION 6-214: RESTRICTED USE

The City Council or 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 or other good and sufficient cause. The City shall not be liable for any damages caused by shutting off the supply of water 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 6-215: 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 Fire Department members or Water Department employees to open or attempt to open any public or private hydrant and draw water from the same or in any manner to interfere with the hydrants. Any person doing so or attempting to do so may be prosecuted as provided by law.

#### SECTION 6-216: WATER SERVICE CONTRACTS; NOT TRANSFERABLE

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 sell, dispose or 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 utilities superintendent, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the utilities superintendent is otherwise advised of such circumstances.

#### SECTION 6-217: INSPECTION

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

#### SECTION 6-218: 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 6-219: 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.

#### SECTION 6-220: MANDATORY HOOKUP

All persons whose property abuts a water main that is now or hereafter may be laid

shall be required, upon notice of the City Council, to hook up with the city water system.

**SECTION 6-221: DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL**

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 or within one-half mile thereof without first having obtained the proper permit from the City Council: potable water well, any other well; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

**SECTION 6-222: DRILLING AND OPERATION OF WELLS AND OTHER FACILITIES; PROCEDURE TO OBTAIN PERMIT**

In order to obtain a permit to drill and/or operate any of the facilities listed in Section 6-221, 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 City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, then the City Council must approve or deny said permit. Such approval or denial shall be in conformity with the rules and regulations of the Nebraska Department of Environmental Quality, the Nebraska Department of Health and Human Services and all other state or federal rules, regulations, standards, or statutes as those relate to the protection of the municipal water supply from surface water contamination and from seepage from sources of contamination and pollution.

**SECTION 6-223: DRILLING OR INSTALLATION OF WELLS OR OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES; PROHIBITED**

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

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

## SECTION 6-224: DRILLING AND OPERATION OF WELLS AND OTHER FACILITIES; PENALTIES AND ABATEMENT PROCEDURE

In the event any of the above-described facilities are installed or operated without first having obtained a permit from the City and/or within a designated number of feet from the city water supply, then such facilities shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Section 2-602.

## SECTION 6-225: ABANDONED WELLS

All water wells which have been abandoned shall be filled and capped pursuant to the rules and regulations of the State of Nebraska Department of Water Resources or other Nebraska governmental agency in charge of abandoned wells.

## SECTION 6-226: BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION, MAINTENANCE AND TESTING

1. A cross-connection control officer shall be appointed by the City Council to oversee the enforcement of this ordinance. Said person shall be responsible for reviewing the surveys submitted by the customers of the Water Department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, "Regulations Governing Public Water Supply Systems."

2. All customers of the Water Department shall be required to report to the cross-connection control officer any potential cross-connections which may be on their premises. This report shall be made at least every five years.

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

- A. The customer shall make application to the cross-connection control officer to install a required backflow prevention device on a form provided by the City. The application shall contain at a mini-mum the name and address of the applicant, the type of backflow prevention device to be installed, including make and model number, and the location of the proposed installation.
- B. The cross-connection control officer shall approve or disapprove the application based on whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.
- C. When a testable backflow prevention device shall be required, the customer shall also certify to the City at least one time annually that the backflow prevention device has been tested by a Nebraska Health and Human Services System Grade VI certified water operator. Such certification shall be made on a form available at the office of the city clerk.

D. Any decision of the cross-connection control officer may be appealed to the City Council, whose decision shall be final.

4. Any customer refusing to report on possible cross-connections on his/her premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually shall be in violation of this ordinance and may have the water service discontinued. Any customer who has had service discontinued for violation of this ordinance shall be subject to a reconnect fee, as set by the City Council, to have the service reinstated after supplying proof that the potential cross-connection has been eliminated or properly protected.  
(Am. Ord. No. 906, 10/6/03)

#### SECTION 6-227: LICENSED PLUMBER

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks owned by the City or to make any connection with or extension of the supply pipes of any consumer taking water from said system until such plumber or pipefitter shall have first procured a license from the State of Nebraska. All plumbing shall be done in the manner required by utilities superintendent. The said licensed plumber shall be at all times subject to the inspection and approval of the utilities superintendent. It shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

### ARTICLE III - SEWER DEPARTMENT

#### SECTION 6-301: TERMS DEFINED

1. "Biological oxygen demand" 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 degrees C., expressed in parts per million by weight.

2. "Building or house 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 five feet outside the inner face of the building wall.

3. "Building or house sewer" shall mean the extension from the building drain to its connection with the main sewer.

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

5. "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.

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

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

8. "pH" shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

9. "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.

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

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

12. "Sewage" means and includes 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.

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

14. "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.

15. "Suspended solids" shall mean and include solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and are removable by laboratory filtering.

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

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

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

## SECTION 6-302: OPERATION AND FUNDING

The City owns the sewer system and operates the same through the utilities superintendent. The City Council, for the purpose of defraying the cost of the management and maintenance of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The utilities superintendent shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. He/she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the City Council.

## SECTION 6-303: SEWER CONTRACT

The City through the 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 hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application by 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 utilities superintendent or his/her agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made except by order of the utilities superintendent or his/her agent.

## SECTION 6-304: SEWER USE RATES; COLLECTION

The rates and terms for the use of sewer service shall be as set by the City Council and placed on file in the office of the city clerk for public inspection. Sewer bills shall be due and payable as set forth in Section 6-101. Penalties and procedures concerning delinquent accounts are set forth in Sections 6-102 and 6-103. (Am. Ord. Nos. 990, 8/4/08; 1047, 8/6/12)

## SECTION 6-305: SERVICE CONTRACTS

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 sell, dispose or remove 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 utilities superintendent, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the utilities superintendent is otherwise advised of such circumstances.

## SECTION 6-306: UNLAWFUL DISCHARGE OF WASTES

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 6-307: 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 6-308: MANDATORY HOOKUP

The owner of all houses, buildings or properties 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 be located a public sanitary or combined sewer of the City, is hereby required at his/her 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 10 days after date of official notice to do so.

## SECTION 6-309: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

1. Where a public sanitary or combined sewer is not available under the provisions of Section 6-308, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

2. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in herein, 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 6-310: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the utilities superintendent. 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 is deemed necessary by the utilities superintendent. A permit and inspection fee is on file in the city clerk's office and shall be paid to the City at the time the application is filed.

## SECTION 6-311: PRIVATE SEWAGE DISPOSAL SYSTEM; 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 utilities superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the utilities superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the utilities superintendent. The City shall be entitled to establish, charge and collect a reasonable fee for the permit and inspection required herein. The fee shall be set from time to time by resolution of the City Council.

## SECTION 6-312: PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Health and Human Services, Regulation and Licensing Division of the State of Nebraska, and the Nebraska Department of Environmental Quality Title 124, Rules and Regulations for Design, Operation and Maintenance of Septic Tanks. 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 6-313: PRIVATE SEWAGE DISPOSAL SYSTEM; 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 6-314: PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS

No statement contained in Section 6-309 through 6-313 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

#### SECTION 6-315: INSTALLATION PROCEDURE

1. Upon approval of the application, the City shall be responsible for tapping into the municipal main at a location chosen by the City. The customer shall be responsible for the installation of the sewer line from the municipal main to the premises to be served. The City shall install all municipal mains.

2. 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. 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. All installations or repairs of pipes require two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed by the utilities superintendent; provided that said rules, regulations and specifications have been reviewed and approved by the City Council.

#### SECTION 6-316: INSTALLATION EXPENSE

The expense of providing sewer service lines to the property line shall be the City's; provided that in no event shall the City pay for the installation of more than 70 feet to sewer service line. The cost of installation shall be included in the tap fee required to be paid by the customer before connecting to the city sewer service. The customer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring sewer service from said lot line.

#### SECTION 6-317: INSTALLATION; PERMIT REQUIRED

Any person wishing to connect with the sewer system shall make an application in

writing therefor to the city clerk. The clerk shall require every applicant to pay a sewer tap fee of \$175.00 and may require any applicant to make a service deposit in such amount as has been set by the City Council and placed on file at the office of the city clerk. The clerk shall then forward the application to the utilities superintendent. Sewer service may not be supplied to any house or building except upon the order of the superintendent and upon application and acceptance of city water service.

#### SECTION 6-318: 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, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

#### SECTION 6-319: USE OF EXISTING SEWERS

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

#### SECTION 6-320: CONSTRUCTION CODES

1. 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.

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

3. 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 utilities superintendent before installation.

#### SECTION 6-321: UNLAWFUL USE

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters

or wastes into the city sewer system:

1. Liquids or vapors having a temperature higher than 150° F.
2. Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
3. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
4. Garbage that has not been properly shredded.
5. Sand, mud, metal, rags, paper or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant.
7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.
8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment and personnel of the city sewer department.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.  
(Neb. Rev. Stat. §17-145)

#### SECTION 6-322: SPECIAL EQUIPMENT

In the event a customer of the city sewer department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand, the utilities superintendent may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he/she shall prescribe subject to the review of the City Council. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the City Council and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to additional rental fees or other charges.

#### SECTION 6-323: INSPECTIONS

The applicant for the building sewer permit shall notify the utilities superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the utilities superintendent or his/her representative.

## SECTION 6-324: CLASSIFICATION

The City Council may classify, for the purpose of rental fees, 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.

## SECTION 6-325: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

## SECTION 6-326: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided when, in the opinion of the utilities superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the utilities superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the utilities superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

## SECTION 6-327: 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.

## SECTION 6-328: COMPLIANCE WITH ARTICLE; INSPECTIONS

The utilities superintendent 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. The utilities superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

## SECTION 6-329: COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to in Section 6-328 above, the utilities superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the

company shall be held harmless for injury or death to the 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.

#### SECTION 6-330: COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS

The utilities superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, 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 6-331: SERVICE TO NON-RESIDENTS

Any person whose premises is located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the city sewer system, shall file a written application with the city clerk for a permit for such connection and setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises is devoted and such other information as the City Council may require. The City Council may approve or deny such application in their absolute discretion. If they approve the application, they may do so by attaching whatever conditions to such approval as they determine necessary.

#### SECTION 6-332: REPAIR AND REPLACEMENT

1. The city sewer department may require the owner of any property which is within the City and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

2. 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 may cause such work to be done and assess the cost upon the property served by such connection.

#### SECTION 6-333: LICENSED PLUMBER

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 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 utilities superintendent; provided that nothing herein shall be construed to apply to persons, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system.

#### SECTION 6-334: PLUMBER'S LIABILITY

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

### **ARTICLE IV - GARBAGE COLLECTION AND DISPOSAL**

#### SECTION 6-401: REGULATIONS

The City will by contract provide weekly curbside collection of the normal household trash, refuse, garbage, etc., from all residences within the City, as follows:

1. These collections are to be made on a specific day unless the weather or other adverse conditions make it impossible for the collector to perform its task on that specific day, in which case it will be collected on the following day or as soon thereafter as conditions permit. Collections will be made during normal working hours or from sunrise to sunset, whichever is the greater length of time.

2. Residents shall have the refuse ready for collection at the street curbside in approval metal or plastic containers with lids secured or in properly tied plastic containers. Lawn clippings shall not be collected by the refuse collector but they may be delivered to the tree refuse area maintained by the City for disposal. Additional pickup at any one residence shall be contracted for directly with the collector on an individual basis at established rates.

3. Residents will be responsible for litter or spillage prior to collection. The collection contractor shall be responsible for litter or spillage after collection, and all refuse collected by the contractor shall be delivered to and deposited in a state licensed landfill or approved recycling plant site.

(Am. Ord. No. 1002, 3/2/09)

#### SECTION 6-402: FEES

Each residential user and each commercial user will be charged the monthly fee for refuse collection as may be contractually agreed upon from time to time by the City and its refuse collector, plus the additional amount of \$0.50 per user service fee for city billing, operation and maintenance of refuse collection. A "user" shall be defined as any subscriber of any type of utility service in the City. That charge will be included on the water and sewer bill and will be collected in the same manner. Delinquent fees shall cause discontinuance of service under the procedures set forth in Section 6-102. Any person whose service has been discontinued and allows garbage to collect can be prosecuted under the city nuisance ordinances. (Am. Ord. No. 1002, 3/2/09)

## SECTION 6-403: LIABILITY FOR CHARGES; PROOF OF PROPER DISPOSAL

1. The City Council has separately established charges to be paid 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 City Council that (A) the premises are unoccupied; or (B) the solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations and ordinances.

2. Proof of proper disposal during the applicable billing period may be provided by means of any of the following:

- A. A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;
- B. A billing receipt or register tab from a duly permitted transfer station or disposal facility or landfill for solid waste received during the applicable billing period; or
- C. Such other documentation of proper disposal as may be acceptable to the City Council.

## **ARTICLE V - SECONDARY LANDFILL**

### SECTION 6-501: OPERATION AND FUNDING

The City owns and operates the municipal secondary landfill, hereinafter called "landfill" in this article, through the landfill caretaker. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the landfill, may each year levy a tax not to exceed 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 placed in the General Fund and shall remain in the custody of the city clerk/treasurer. Monies so levied and collected will be set aside by the City Council in the municipal budget for operation and maintenance of the landfill and this will be known as the Landfill Budget. The landfill caretaker shall have the authority to adopt rules and regulations for the sanitary and efficient management of the landfill subject to the supervision and review of the City Council. The City Council shall provide by ordinance for the management and operation of the landfill and shall set the rates to be charged for services rendered by ordinance and file the same in the office of the city clerk for public inspection at any reasonable time. (Neb. Rev. Stat. §19-2101 through 19-2106)

### SECTION 6-502: STATE REGULATIONS

1. In the event it is necessary, the City shall each year apply for a license to operate the landfill. Application shall be made to the Department of Environmental



Control on forms provided by the department. No fee shall be charged for such licensing. Each license so issued shall expire October 1, following the date of issuance.

2. It shall be the duty of the street commissioner to comply with the rules and regulations prescribed by the Department of Environmental Control for the use and operation of the landfill.

#### SECTION 6-503: HOURS OF OPERATION

Hours of operation at the landfill shall be recommended by the Landfill Committee and presented to the City Council for approval. The hours shall be adopted by a majority of the Council. Operation hours shall be posted continually at the city clerk's office and at the landfill site. Changes in the hours shall be published in a legal newspaper of the City.

#### SECTION 6-504: REGULATIONS

The following regulations shall be in effect for the landfill:

1. The landfill shall be open to the dumping of tree limbs, grass clippings, leaves, branches, or untreated lumber.

2. The landfill is closed to all dumping of trash, refuse, garbage, animal matter, putrescible or hazardous waste, home appliances, metal of any kind, and any lumber treated with paint or any other surface material.

3. The discharge of firearms, except for approved law enforcement agencies, in or on the landfill property is prohibited.

#### SECTION 6-505: SCAVENGING

No scavenging shall be allowed at the landfill, unless authorized by the City Council.

### **ARTICLE VI - PENAL PROVISION**

#### SECTION 6-601: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.