

CHAPTER VI PUBLIC UTILITIES

ARTICLE I – UTILITIES GENERALLY

- 6-101 DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE; FEE FOR RESUMPTION OF SERVICE
- 6-102 LIEN
- 6-103 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE
- 6-104 DIVERSION OF SERVICES; PENALTY

ARTICLE II - WATER DEPARTMENT

- 6-201 OPERATIONS AND FUNDING
- 6-202 TERMS DEFINED
- 6-203 CONSUMER'S APPLICATION
- 6-204 WATER CONTRACT
- 6-205 INSTALLATION EXPENSE
- 6-206 INSTALLATION PROCEDURE
- 6-207 MAINTENANCE AND REPAIRS
- 6-208 FEES AND COLLECTIONS
- 6-209 WATER BILLS
- 6-210 MINIMUM RATES
- 6-211 WATER SERVICE RATES
- 6-212 PROHIBITION OF LEAD PIPES, SOLDER AND FLUX
- 6-213 WATER SERVICE TO PREMISES AND SEPARATE PREMISES; WATER SERVICE ACCOUNTS AND REQUIREMENTS FOR MULTIPLE WATER SERVICE ACCOUNTS TO ONE PROPERTY WITH SEPARATE PREMISES; RESTRICTIONS ON WATER SERVICE ACCOUNTS TO PROPERTIES WITH AN UNPAID WATER SERVICE ACCOUNT
- 6-214 RESTRICTED USE
- 6-215 FIRE HYDRANTS
- 6-216 WATER SERVICE CONTRACTS; NOT TRANSFERABLE
- 6-217 INSPECTION
- 6-218 DESTRUCTION OF PROPERTY
- 6-219 POLLUTION
- 6-220 MANDATORY HOOKUP
- 6-221 LICENSED PLUMBER
- 6-222 CROSS CONNECTIONS; PREVENTION BACKFLOW OR BACKSIPHONAGE
- 6-223 BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE TESTING

- 6-224 UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT
- 6-225 CONTAMINATION OF MUNICIPAL WATER WELLS PROHIBITED
- 6-226 WATER DROUGHT OR EMERGENCY; DEFINITIONS
- 6-227 WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WATCH
- 6-228 WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WARNING
- 6-229 WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER EMERGENCY
- 6-230 WATER DROUGHT OR EMERGENCY; VOLUNTARY CONSERVATION MEASURES
- 6-231 WATER DROUGHT OR EMERGENCY; MANDATORY CONSERVATION MEASURES
- 6-232 WATER DROUGHT OR EMERGENCY; EMERGENCY WATER RATES
- 6-233 WATER DROUGHT OR EMERGENCY; REGULATIONS
- 6-234 WATER DROUGHT OR EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES
- 6-235 WATER DROUGHT OR EMERGENCY; EMERGENCY TERMINATION

ARTICLE III - SEWER DEPARTMENT

- 6-301 TERMS DEFINED
- 6-302 OPERATION AND FUNDING
- 6-303 SEWER CONTRACT
- 6-304 SEWER USE RATES; COLLECTION
- 6-305 SERVICE CONTRACTS
- 6-306 UNLAWFUL DISCHARGE OF WASTES
- 6-307 CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED
- 6-308 MANDATORY HOOKUP
- 6-309 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE
- 6-310 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE
- 6-311 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS
- 6-312 PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS
- 6-313 PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE
- 6-314 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS
- 6-315 INSTALLATION PROCEDURE
- 6-316 INSTALLATION EXPENSE
- 6-317 INSTALLATION; PERMIT REQUIRED
- 6-318 SINGLE PREMISE

- 6-319 USE OF EXISTING SEWERS
- 6-320 CONSTRUCTION CODES
- 6-321 PROHIBITED DISCHARGES; STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER
- 6-322 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT
- 6-323 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY UTILITIES SUPERINTENDENT
- 6-324 PROHIBITED DISCHARGES; UTILITIES SUPERINTENDENT'S DISCRETION WITH RESPECT TO
- 6-325 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED
- 6-326 PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER
- 6-327 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE
- 6-328 CONTROL MANHOLES/SAMPLING STATIONS; METHOD
- 6-329 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE
- 6-330 INSPECTIONS
- 6-331 CLASSIFICATION
- 6-332 MANHOLES
- 6-333 DESTRUCTION OF PROPERTY
- 6-334 COMPLIANCE WITH ARTICLE; INSPECTIONS
- 6-335 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY
- 6-336 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS
- 6-337 SERVICE TO NON-RESIDENTS
- 6-338 REPAIR AND REPLACEMENT
- 6-339 LICENSED PLUMBER
- 6-340 PLUMBER'S LIABILITY

ARTICLE IV - GARBAGE AND REFUSE COLLECTION

- 6-401 DEFINITIONS
- 6-402 COLLECTION AND DISPOSAL
- 6-403 MANDATORY SERVICE
- 6-404 HAZARDOUS WASTE
- 6-405 ADDITIONAL REGULATIONS
- 6-406 GARBAGE COLLECTION; REGULATION
- 6-407 CONTRACT REVOCATION
- 6-408 MANDATORY SERVICE COLLECTION
- 6-409 DEAD ANIMALS

ARTICLE V - PENAL PROVISION

6-501 VIOLATION; PENALTY

CHAPTER VI

PUBLIC UTILITIES

ARTICLE I - UTILITIES GENERALLY

SECTION 6-101: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE; FEE FOR RESUMPTION OF SERVICE

The City shall have the right to discontinue services and remove its properties if the charges for such services are not paid within 15 days after the date the same become delinquent. Before any termination, the public works commissioner 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.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the city 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;

8. The cost that will be born by the domestic subscriber for a restoration of service;
9. A statement that the domestic subscriber may arrange with the City for an installment payment plan.
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the City Council.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the public works commissioner 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.

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.

Partial payments on delinquent accounts shall not be accepted to continue water and/or sewer service. A fee of \$50.00 shall be charged for resuming water service after service has been terminated for nonpayment of water fees.

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.
(Ref. Neb. Rev. Stat. §7-1605 et seq.)

SECTION 6-102: 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 on June 1 of each year to report to the City Council a list of all unpaid accounts due for utilities together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the City 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.

SECTION 6-103: 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.

(Ref. Neb. Rev. Stat. §86-329 through 86-331)

SECTION 6-104: DIVERSION OF SERVICES; PENALTY

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.

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 the amount of the damage or loss is susceptible to reasonable calculation; or

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

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.

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.

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.

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.

(Ref. 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 utilities superintendent shall have the direct management and control of the city 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.

(Ref. 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.

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

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

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

"Premise" is hereby defined as a property at which there is one consumer procuring water through one supply pipe with one meter and one account with the City, and for which there is one shut-off, stop box or curb stop, which if shut off will not discontinue water service to any other customer.

"Separate premises" is hereby defined as a single property with multiple consumers procuring water through one supply pipe and one shut-off, stop box or curb stop, but with multiple meters and multiple water service accounts with the City such that if water service is discontinued at the shut-off, stop box or curb stop, it will discontinue water service to more than one customer.

"Service pipe" 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 premise where the water is to be disbursed.

"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 premise where the shut-off, stop box or curb cock is located.

"Utilities superintendent" shall mean that official appointed by the City Council to have the direct management and control of its water department. Such official may, additionally, coincidentally or alternatively, perform the functions of, bear the title of, and be vested with the authority of, its 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 blanks to be furnished by him/her for that purpose. The applicant shall be required to accompany his/her application with a non-refundable application fee in the amount of \$50.00 and a connection fee for water service in the amount of \$250.00 for each new service, due prior to the start of the service. 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 for such out of town service 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 premise or place of such violation. No further

connection for water service to said building, premise or place shall again be made, save or except by order of said utilities superintendent or his/her agent.
(Ref. Neb. Rev. Stat. §17-537)

SECTION 6-205: INSTALLATION EXPENSE

The consumer shall then pay the entire cost of installation and pipe from the water main to the place of disbursement and for all supplies and materials, to include but not limited to water meters, readouts, backflow preventers, connectors, couplings, stop box, curb stop, tubing, and any other items supplied by the City. Supplies and labor, including excavation expense furnished by the City, will be charged at cost to the customer. Customers are required to purchase the water meters, readouts, and any mechanical devices which determine the flow of usage from the City for a consistent reading.
(Ref. Neb. Rev. Stat. §17-542)

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 of plastic or non-metal pipes shall have metal-locate tape affixed thereon for location purposes. 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.
(Ref. Neb. Rev. Stat. §17-537)

SECTION 6-207: MAINTENANCE AND REPAIRS

Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the water department, including the meter, will be made by the City.

All water meters shall be kept in repair by the City at the expense of the City. When meters are worn out, they shall be replaced and reset by the utilities

superintendent at the expense of the City; provided, that if the customer permits or allows a water meter to be damaged, inured or destroyed through his/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. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided that if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the 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 monthly consumption during the same month of the preceding year; provided that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the utilities superintendent.
(Ref. Neb. Rev. Stat. §17-542)

SECTION 6-208: 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 city clerk 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 by him/her, making his/her receipt therefore in duplicate, keeping one and filing the other in the water department's official records.

(Ref. Neb. Rev. Stat. §17-540)

SECTION 6-209: WATER BILLS

Water bills shall be due and payable monthly at the office of the city clerk or at such offices designated by the City Council. The utilities superintendent shall read or cause to be read water meters monthly. The bills shall be due when received. The utilities superintendent shall charge and collect from each customer for the amount of water consumed since the last examination, together with any other charges, properly itemized, due the water department. Bills not paid within 15 days of the billing date shall be deemed delinquent and shall be assessed a 10% penalty. Any payments made to the utilities superintendent which are returned by a bank for insufficient funds shall immediately deem the account of the customer delinquent and a \$20.00 charge will be assessed to the customer for the returned item. Upon being deemed to be delinquent as herein defined, the city clerk shall proceed as outlined in Section 6-101 of this code.

(Ref. Neb. Rev. Stat. §17-542, 18-416)

SECTION 6-210: MINIMUM RATES

All water consumers shall be liable for the minimum rate provided by ordinance of the City Council unless and until the consumer shall, by written order, direct the city clerk to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again. As provided for herein, the City Council shall from time to time set the municipal water rates by ordinance, including minimum rates.

In addition to the water use fees, all users of the city water supply living outside the corporate limits of the City shall pay a premium equal to 50% over and above the use fees for all categories of water usage as set by the City Council. The City Council may also establish separate categories of water use fees for any class of users that, because of their unique water usage, cannot equitably be billed according to such schedule. In all events, however, each consumer shall be liable for the minimum use fee, as set by ordinance, payable in advance, until the water is discontinued as provided above.

SECTION 6-211: WATER SERVICE RATES

1. Monthly Rates for Customers Within the City's Corporate Limits

See separate Fee Schedule Ordinance

2. Monthly Rates for Customers Outside the City's Corporate Limits (150% of Rates Within the Corporate Limits)

See separate Fee Schedule Ordinance

3. The use of fire hydrants to purchase water shall be subject to:

See separate Fee Schedule Ordinance

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. The utilities superintendent 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. (Ref. Neb. Rev. Stat. §71-5301)

SECTION 6-213: WATER SERVICE TO PREMISES AND SEPARATE PREMISES; WATER SERVICE ACCOUNTS AND REQUIREMENTS FOR MULTIPLE WATER SERVICE ACCOUNTS TO ONE PROPERTY WITH SEPARATE PREMISES; RESTRICTIONS ON WATER SERVICE ACCOUNTS TO PROPERTIES WITH AN UNPAID WATER SERVICE ACCOUNT

1. There shall be only one water service account per supply pipe to any property regardless of whether it is intended to serve one premise or separate premises, except when the City has access in the public right of way to a means, such as a shut-off, stop box or curb stop, by which to discontinue water service to each water service account without discontinuing water service to any other water service account.
2. Regardless of paragraph 1 above, whether water service is to a premise or separate premises at one property with separate water service accounts established pursuant to paragraph 1, water service to a water meter which has been discontinued due to non-payment of a water bill shall not be restored until the outstanding balance is paid in full.
3. No new water service account may be established for a meter with a delinquent account.

SECTION 6-214: RESTRICTED USE

The City Council or the utilities superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. 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. (Ref. Neb. Rev. Stat. §17-537)

SECTION 6-215: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires, other than those identified in the following subsection, are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the city fire department or members of the city water department 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 remove from the premise where service is furnished, or if the said premise is 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 premise. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premise 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.

(Ref. 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 city 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 city water department.

SECTION 6-220: MANDATORY HOOK UP

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: 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 and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. This provision shall not apply to homeowners installing or repairing the plumbing in property owned by them.

SECTION 6-222: CROSS CONNECTIONS, PREVENTION BACKFLOW OR BACKSIPHONAGE

1. All direct or indirect water connections shall hereafter be required to comply with the Title 179, Chapter 2 of the Nebraska Administrative Code governing public water supply systems, namely Section 008.01E, Table 2, as amended, which is incorporated herein by reference.
2. No reduced principal backflow preventer shall be installed in a pit or other location which may be subject to flooding.
3. All reduced principal backflow preventers shall be installed so as to provide sufficient space for testing and maintenance.
4. Vacuum breakers shall be installed at a minimum of 18 inches above the elevation of any point in the piping downstream of the vacuum breaker locations.

SECTION 6-223: BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE TESTING

1. A customer of the city water department may be required by the utilities superintendent to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the utilities superintendent.
2. 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.
3. The utilities superintendent shall approve or disapprove the application based on his/her opinion of whether such installation will protect the city water distribution system from potential backflow and backsiphonage hazards.

4. 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 plumber licensed by the City if applicable.

5. Such customer shall also certify to the City at least one time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the city clerk.

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

**SECTION 6-224: UNSAFE PHYSICAL CONNECTION TO WATER
DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL
BACKFLOW HAZARDS; CUSTOMER ASSESSMENT**

No customer or other person shall cause, allow or create any physical connection between the city water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the city water distribution system.

At least one time every five years, customers of the city water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the City on a form supplied by the City to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the utilities superintendent.

**SECTION 6-225: CONTAMINATION OF MUNICIPAL WATER WELLS
PROHIBITED**

1. It shall be unlawful for any person or persons to locate, construct, modify or perform activities in a manner which may cause biological, chemical or radioactive contamination of underground or surface water sources supplying any municipal water well.

2. It shall be unlawful for any person or persons to locate, construct, modify or perform the following items or activities within the distances specified below, the distances being horizontal distances in feet separating a city water supply well from potential sources of contamination:

Category	Distance	
	Feet	Meters

Nonpotable water wells	1,000	300
Sewage lagoon	1,000	300
Absorption or disposal field for waste	500	150
Cesspool	500	150
Dump	500	150
Feedlot or feedlot runoff	500	150
Corral	500	150
Pit toilet	500	150
Sanitary landfill	500	150
Chemical or petroleum product storage	500	150
Septic tank	500	150
Sewage treatment plant	500	150
Sewage wet well	500	150
Sanitary sewer connection	100	30
Sanitary sewer manhole	100	30
Sanitary sewer line	50	15
Sanitary sewer line (permanently watertight)	10	3

3. When in the judgment of the City or the Nebraska State Department of Health, surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water in a city water supply well, the distance separating these potential sources of contamination and the well shall be greater than that listed in the above schedule.

4. This section shall apply to all zoning districts within the jurisdiction of the City of Louisville.

SECTION 6-226: WATER DROUGHT OR EMERGENCY; DEFINITIONS

"Water" shall mean the water available to the City or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

"Customer" shall mean the customer of record using water for any purpose from the City's distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

"Waste of water" includes, but is not limited to, (1) permitting water to escape down a gutter, ditch or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

The following classes of uses of water are established:

Class 1: Water used for outdoor watering: either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.

Class 2. Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

Class 3. Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4. Water necessary only to sustain human life and the lives of domestic pets and to maintain standards of hygiene and sanitation.

SECTION 6-227: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WATCH

Whenever the City Council finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by the city supervisor to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

SECTION 6-228: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER WARNING

Whenever the City Council finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare, by resolution, that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by the city supervisor to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

SECTION 6-229: WATER DROUGHT OR EMERGENCY; DECLARATION OF WATER EMERGENCY

Whenever the City Council finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare, by resolution, that a water emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by the city supervisor to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

SECTION 6-230: WATER DROUGHT OR EMERGENCY; VOLUNTARY CONSERVATION MEASURES

Upon the declaration of a water watch or water warning as provided in Sections 6-227 and 6-228, the mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses, including, but not limited to, limitations on the following uses:

- A. Sprinkling of water on lawns, shrubs or trees.
- B. Washing of automobiles.
- C. Use of water in swimming pools and evaporative air conditioning systems.
- D. Waste of water.

SECTION 6-231: WATER DROUGHT OR EMERGENCY; MANDATORY CONSERVATION MEASURES

Upon the declaration of water supply emergency as provided in Section 6-229, the mayor is also authorized to implement certain mandatory water conservation measures including, but not limited to, the following:

- A. Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;

B. Restrictions on the uses of water in one or more classes of water use, wholly or in part;

C. Restrictions on the sales of water at coin-operated facilities or sites;

D. The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of total use and per capita or per consumer restrictions;

E. Complete or partial bans on the waste of water; and

F. Any combination of the foregoing measures.

SECTION 6-232: WATER DROUGHT OR EMERGENCY; EMERGENCY WATER RATES

Upon the declaration of a water supply emergency as provided in Section 6-229, the City Council shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

SECTION 6-233: WATER DROUGHT OR EMERGENCY; REGULATIONS

During the effective period of any water supply emergency as provided for in Section 6-229, the mayor, utilities superintendent or any city official is empowered to promulgate such regulations as may be necessary to carry out the provisions of this article, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the City Council at its next regular or special meeting.

SECTION 6-234: WATER DROUGHT OR EMERGENCY; VIOLATIONS, DISCONNECTIONS AND PENALTIES

1. If the mayor, utilities superintendent or other city official charged with implementation and enforcement of this article or a water supply emergency resolution learns of any violation of any water use restrictions imposed pursuant to Sections 6-231 or 6-233 of this article, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record or any other person known to the City who is responsible for the violation or its correction shall be provided with either personal or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may

terminate water service to the customer subject to the following procedures:

A. The City shall give the customer notice by mail or personal notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City Council or a city official designated as a hearing officer by the Board;

B. If such a hearing is requested by the customer charged with the violation, he/she shall be given a full opportunity to be heard before termination is ordered; and

C. The City Council or hearing officer shall make findings of fact and order whether service would continue or be terminated.

2. A fee of \$25.00 shall be paid for the reconnection of any water service terminated pursuant to subsection 1. In the event of subsequent violations, the reconnection fee shall be \$100.00 for the second reconnection and \$200.00 for any additional reconnections.

SECTION 6-235: WATER DROUGHT OR EMERGENCY; EMERGENCY TERMINATION

Nothing in this article shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

ARTICLE III - SEWER DEPARTMENT

SECTION 6-301: TERMS DEFINED

"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.

"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.

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

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

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

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

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

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

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

"Premise" or "separate premise" shall mean one consumer or household to which the City furnishes sewer services. A "separate premise" may be any separate dwelling, apartment, building or structure used by any individual or household to which the City provides sewer services.

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

"Public sewer" shall mean a sewer in which all owners of abutting properties

have equal rights, and is controlled by public authority.

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

"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.

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

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

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"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.

"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.

"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 on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the utilities superintendent or his/her agent may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the utilities superintendent or his/her agent.

SECTION 6-304: SEWER USE RATES; COLLECTION

Customers of the city sewer department shall be charged the following amounts for the use of sewer service. Rates shall be on file and available for public inspection at the office of the city clerk at any reasonable time.

1. Monthly Rates for Customers Within the City's Corporate Limits

See separate Fee Schedule Ordinance

2. Monthly Rates for Customers Outside the City's Corporate Limits (150% of Rates Within the Corporate Limits)

See separate Fee Schedule Ordinance

3. The rates for the Nebraska Game and Parks Commission shall be 50% of the Residential user rate pursuant to the lease agreement with the Nebraska Game and Park Commission.

The City Council may establish separate categories of sewer use fees for any class of users that, because of their unique sewer usage, cannot equitably be billed according to the above method. In all events, however, each consumer or separate premise shall be liable for the minimum use fee payable in advance.

Sewer rental bills shall be due and payable monthly at the office of the city clerk. The city clerk shall compute or cause to be computed sewer rental bills based

upon water usage. It shall be the duty of the customers of the sewer department to present themselves monthly at the office of the city clerk to pay their bills. The city clerk shall charge and collect from each customer the computed sewer rental bill based upon water usage. All collection procedures and delinquency rates shall be the same as those established for water use fees.

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 is 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 six months after date of official notice to do so; provided that said public sewer is within 200 feet of the property line..

SECTION 6-309: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

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.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 6-308, a direct connection shall be made to the public sewer within 180 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 that recommended by above-mentioned agencies. 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

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.

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

In the event that the property which the customer desires to connect with the sanitary sewer system has an assessment levied against it for the installation of sewer mains and the assessment has not been paid, the person desiring to connect with the sanitary sewer system shall be required to pay the assessment, including the interest provided for in said assessment, and in addition thereto, the customer shall pay the actual cost of the connection, which connection shall either be made by the City or by the customer with prior approval by the City

Council.

If the City is to make the connection, it shall first obtain an estimate of the cost and the customer shall be required to pay 50% of the estimate before work is begun. The balance of the connection charge shall be paid within 60 days after the connections are made. If the total cost is not paid within the time indicated, the City Council or the city clerk shall mail a written notice to the owner of said property and the occupant thereof that the connection charge has not been paid. The notice to show cause shall also state that the customer shall have ten days from the date thereof to pay said charge or the water services to the property shall be terminated. The owner or occupant receiving the letter may within ten days of the date thereof notify the City Council through the city clerk that he/she intends to address the next regularly scheduled meeting of the City Council to show cause why said connection charge cannot be paid or that additional time is needed to pay the connection charge.

The connection charge shall remain a lien on the real property involved until paid.

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. There shall be two classes of building sewer permits: (a) residential and commercial service, and (b) for service to establishments producing industrial wastes. The application shall be made on a special form furnished by the City and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city supervisor. A non-refundable application fee in the amount of \$50.00 and a connection fee in the amount of \$250.00 shall be paid to the City at the time the application is filed. Sewer service may not be supplied to any house or building except upon the order of the utilities superintendent and upon application and acceptance of city water service.

SECTION 6-318: SINGLE PREMISE

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

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.

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.

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: PROHIBITED DISCHARGES: STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated heating or cooling water, or unpolluted industrial waters to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as 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 or natural outlet.

SECTION 6-322: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having (a) a 5 day BOD greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the City, shall be subject to the review of the utilities superintendent. Where necessary in the opinion of the utilities superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the utilities superintendent and no construction of such facilities shall be commenced until said approval are obtained in writing.

SECTION 6-323: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY UTILITIES SUPERINTENDENT

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the utilities superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the utilities superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the utilities superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the utilities superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the utilities superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the utilities superintendent in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:

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

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

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

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

SECTION 6-324: PROHIBITED DISCHARGES; UTILITIES SUPERINTENDENT'S DISCRETION WITH RESPECT TO

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-323, and which in the judgment of the utilities superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the utilities superintendent may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6-329.

If the utilities superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the utilities superintendent and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6-325: 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.

SECTION 6-326: PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER

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

SECTION 6-327: CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

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

SECTION 6-328: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

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

SECTION 6-329: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

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

SECTION 6-330: 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 6-331: 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 6-332: 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 6-333: 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 6-334: 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 6-335: COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY

LIABILITY

While performing the necessary work on private properties referred to in Section 6-334 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 6-336: 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 6-337: SERVICE TO NON-RESIDENTS

Any person whose premise 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 premise, the use to which the premise 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 6-338: REPAIR AND REPLACEMENT

The City shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent; provided that the same have been previously approved by the City Council.

SECTION 6-339: 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 6-340: PLUMBER'S LIABILITY

The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore 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 AND REFUSE COLLECTION

SECTION 6-401: DEFINITIONS

"Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that is intended for the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable, and dead animals rejected by rendering plants.

"Hazardous waste" shall mean a solid waste, or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or (b) pose a substantial present or potential hazard to human or animal health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Refuse" shall mean putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes.

"Rubbish" shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

"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, semisolid or contained gaseous material resulting from industrial, commercial and mining operations and from community activities.

"Yard waste" shall mean grass and leaves.

SECTION 6-402: COLLECTION AND DISPOSAL

The City shall provide or contract for the collection and disposal of nonhazardous solid waste from residential, commercial, institutional and governmental premises within its solid waste jurisdiction area. Such wastes shall be collected on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility approved by the City Council and which meets all state and federal criteria. The City Council shall approve and is authorized to contract with any such licensed landfill facility for these purposes.

SECTION 6-403: MANDATORY SERVICE

Every occupied residence and every commercial, institutional, multiple residence, apartment, hotel, motel and governmental building of premises in which day-to-day activities are conducted within the city solid waste jurisdiction area shall be served by the solid waste collection and disposal service system offered by the City and shall be subject to assessment and payment of charges for such service as set from time to time by the City Council. The City may also agree to provide such service to persons who do not live within the corporate limits of the City but who are served by the City as to make such service economical and practical for the City and the hauler or haulers providing the service.

SECTION 6-404: HAZARDOUS WASTE

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

SECTION 6-405: ADDITIONAL REGULATIONS

The City Council may, from time to time, make and adopt by ordinance such additional rules and regulations governing the use, operations and control of the solid waste collection and disposal system and the regulations of solid waste within the city solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety and welfare of all persons within the city solid waste jurisdiction area.

SECTION 6-406: GARBAGE COLLECTION; REGULATION

It shall be unlawful for any person to own, operate or participate in the removal of garbage for a fee until and unless the person has contracted with or has received a license from the City Council. Application for a license may be made at the office of the city clerk upon a blank form supplied by the City. The application shall require all information and documents which the City Council deems necessary to determine whether or not to grant the license. If the City Council decides to grant the license, the city clerk will issue to the applicant the license, which will entitle him/her to collect, remove and transport any garbage for a fee in, over or upon any street or public way in the City. Any license so issued shall be subject to revocation by the City Council after proper notice and a hearing if requested by the licensee. The licensee shall be liable for all bonds, fees and other rules and regulations set by resolution of the City Council.

SECTION 6-407: CONTRACT REVOCATION

The license of any garbage collector permitted to collect, haul or convey refuse or garbage for hire within the City may be revoked by the City Council upon good cause and upon failure of such permitted garbage collector for hire to comply with the garbage and health and sanitation ordinances of the City. No revocation of license shall be made except after public hearing before the City Council with proper notice of such hearing given, stating the reasons therefor, to the permitted garbage collector of the time and date of said hearing by certified or registered mail.

SECTION 6-408: MANDATORY SERVICE COLLECTION

The fees for single family residence dwellings shall be assessed monthly. Commercial rates for commercial customers and the owners of multi-family residential units shall be established based upon the services required and shall be assessed and determined by the City upon negotiations with the property owner. Senior citizens shall be defined as residents who are 65 years of age or older, and shall be assessed a monthly fee. Rates shall be set from time to time by resolution of the City Council.

SECTION 6-409: DEAD ANIMALS

All dead animals shall be immediately removed by the owner of such animals. If the owner of any such animal cannot be found within two hours after discovering the same, then such animal shall be removed by and at the expense of the City. Dead animals shall not be buried within the corporate limits of the City, nor within two miles thereof, nor in or above the course of groundwater that is used for drinking purposes by the City or its inhabitants.

ARTICLE V - PENAL PROVISION

SECTION 6-501: 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, recoverable with costs, or by imprisonment in the county jail for a term not to exceed 30 days. Each day such violation continues may be considered a separate offense.