

CHAPTER 3: DEPARTMENTS

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ARTICLE 1: SWIMMING POOLS

§ 3-101 MUNICIPAL SWIMMING POOL; OPERATION AND FUNDING.

The Municipality owns and manages the Municipal Swimming Pool. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the Swimming Pool 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 Municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income producing personal property and real estate from any source for the purpose of endowing the Swimming Pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer. The Board of Park Commissioners shall manage the Swimming Pool and warrants drawn by the Chairman of the Board and countersigned by the secretary shall be honored by the Municipal Treasurer. The Board shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as they may deem necessary and shall pass such rules and regulations for the operation of the Swimming Pool as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body.

(Ref. 17-948, 17-951, 17-952 RS Neb.)

§ 3-102 MUNICIPAL SWIMMING POOL; ADMISSION CHARGE.

The Board of Park Commissioners may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission

charge for the use by any person of the Municipal Swimming Pool. The said charges shall be on file at the office of the Municipal Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; Provided, that nothing herein shall be construed to permit or allow discrimination

on the basis of race, creed, color, or national origin in the classification of persons for admission charges.

(Ref. 17 949 RS Neb.)

§ 3-103 MUNICIPAL SWIMMING POOL; RENTALS.

The Board of Park Commissioners shall have the authority to rent the Municipal Swimming Pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the Governing Body. The Board of Park Commissioners shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the Municipal Clerk and posted in a conspicuous place at the Municipal Swimming Pool.

(Ref. 17 949 RS Neb.)

§ 3-104 MUNICIPAL SWIMMING POOL; RULES AND REGULATIONS.

The Board of Park Commissioners shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the Swimming Pool and for the efficient management thereof. They may provide suitable penalties for the violation of such bylaws, rules, and regulations subject to the review and supervision of the Governing Body.

(Ref. 17-949 RS Neb.)

ARTICLE 2: AUDITORIUM

§ 3-201 MUNICIPAL AUDITORIUM; OWNERSHIP.

(Repealed by Ord. No. 1156, 6/12/17)

§ 3-202 MUNICIPAL AUDITORIUM; RENTALS.

(Repealed by Ord. No. 1157, 6/12/17)

ARTICLE 3: FIRE DEPARTMENT

§ 3-301 MUNICIPAL FIRE DEPARTMENT.

Editor's Note:

The City of Stromsburg merged their Fire Department with the Rural Fire District.

[Article 4: Library begins on page 11]

ARTICLE 4. LIBRARY

§ 3-401 MUNICIPAL LIBRARY; OWNERSHIP.

The Municipality owns and manages the Municipal Library through the Library Board. The Governing Body, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library 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 Municipality that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Municipal Library. The Library Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body.

(Ref. 51-201, 51-202, 51-211 RS Neb.)

§ 3-402 MUNICIPAL LIBRARY; BOOKS.

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of.

(Ref 51-207 RS Neb.)

§ 3-403 MUNICIPAL LIBRARY; RULES AND REGULATIONS.

The Library Board shall establish rules and regulations for the governing of the Municipal Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the Library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments.

(Ref. 51-205, 51-214 RS Neb.)

§ 3-404 MUNICIPAL LIBRARY; BOOKS ISSUED.

The Librarian shall keep, or cause to be kept, a register of all books issued and returned at the time they shall so be issued and returned. None of the books shall be detained more than fourteen (14) days

without being renewed. No book may be renewed more than two (2) consecutive times by any person without the special permission of the Librarian or an authorized employee of the Municipal Library. (Ref. 51-211 RS Neb.)

§ 3-405 MUNICIPAL LIBRARY; DAMAGED AND LOST BOOKS.

Any person who injures or fails to return any book taken from the Library shall forfeit and pay to the Library not less than the value of the book in addition to any replacement costs and penalty which the Library Board may assess.

(Ref. 51-211 RS Neb.)

§ 3-406 MUNICIPAL LIBRARY; BOOK LABELING.

It shall be the duty of the Librarian to label, or cause to be labeled, with a printed or stamped label, proof of Municipal ownership on each book, and also to write the said proof on the thirtieth (30th) page of each volume.

(Ref. 51-211 RS Neb.)

§ 3-407 MUNICIPAL LIBRARY; BOOK REMOVAL.

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the Library, without the consent of the Librarian, or an authorized employee of the Library. Any person removing a book from the Library without properly checking it out shall be deemed to be guilty of a misdemeanor.

(Ref. 51-211 RS Neb.)

§ 3-408 MUNICIPAL LIBRARY; COST OF USE.

The Municipal Library shall be free for the use of the inhabitants of the Municipality. The Librarian may exclude from the use of the Library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof.

(Ref. 51-201, 51-212 RS Neb.)

§ 3-409 MUNICIPAL LIBRARY; MONEY COLLECTED.

Any money collected by the Library shall be turned over monthly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue.

(Ref. 51-209 RS Neb.)

§ 3-410 LIBRARY; LIBRARY BOARD; ANNUAL REPORT.

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the President and Secretary of the Library Board. (*Ref. 51-213 RS Neb.*) (*Ord. No. 929, 1/11/05*)

ARTICLE 5: CEMETERY

§ 3-501 MUNICIPAL CEMETERY; OWNERSHIP.

The Municipality owns and manages the Municipal Cemetery. The Governing Body, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the Cemetery 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 Municipality that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Cemetery. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer. The Cemetery Board shall manage the Cemetery and warrants drawn by the Chairman of the Board and countersigned by the secretary shall be honored by the Municipal Treasurer. The Board shall have the power and authority to hire and supervise such employees as they may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body.

(Ref. 12-301 thru 12-403 RS Neb.)

§ 3-502 MUNICIPAL CEMETERY; CONVEYANCE OF LOTS.

The Governing Body may convey cemetery lots by Certificate signed by the Mayor, and countersigned by the Municipal Clerk under the Municipal Seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said Certificate shall give a right in fee simple to the proprietor, his heirs, and assigns. The Certificate shall then be recorded in the office of the County Clerk.

(Ref. 19 941 RS Neb.)

3-503 MUNICIPAL CEMETERY; FORFEITURE OF LOTS.

If, for three (3) consecutive years, all charges and liens are not paid by the holders of the Lot Certificates, the said Certificates shall be declared forfeited and subject to resale. All Certificates sold shall contain a forfeiture clause to the effect that if no interment is made on the said lot and all liens paid, the Certificate and the rights under the same tray, at the option of the Cemetery Board, with the sanction of the Governing Body, be declared null and void and the lot shall be subject to resale.

(Ref. 17-938 RS Neb.)

§ 3-504 MUNICIPAL CEMETERY; LOT TRANSFERS.

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the Municipal Clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the Governing Body.

§ 3-505 MUNICIPAL CEMETERY; BURIAL OF INDIGENTS.

Within the Municipal Cemetery there shall be included a plot of ground which shall be available for the free burial of indigents and unknown travelers who may die while they are within the Municipality.

§ 3-506 MUNICIPAL CEMETERY; BURIAL PERMIT.

All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the Municipal Cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by State law, the funeral director shall notify the Registrar and obtain his written approval before the deceased person may be buried in the Municipal Cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk. It shall be unlawful for the Sexton, or other person, to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the Sexton. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the Cemetery Board. Upon completion of the requirements herein, the Municipal Clerk shall then issue a Municipal Burial Permit which shall entitle the applicant to bury a deceased person in the Municipal Cemetery. In the event that the removal of the body of any deceased person is requested the Municipal Clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment.

(Ref. 71-605 RS Neb.)

§ 3-507 MUNICIPAL CEMETERY; LOT CURBING.

It shall be hereafter unlawful for the owner of any lot to construct, maintain, or suffer to remain any curbing around any lot or burial space therein of a height greater than one (1 ") inch.

§ 3-508 MUNICIPAL CEMETERY; SHRUBS AND TREES.

It shall be unlawful, without the written permission of the Cemetery Board, to plant, maintain, or suffer to remain on any Cemetery lot a shrub or tree attaining a height of more than four (4') feet.

§ 3-509 MUNICIPAL CEMETERY; MONUMENTS.

Persons desiring to erect monuments, tombstones, or other structures shall first procure a permit from the Municipal Clerk. The Cemetery Board shall review all such applications and shall give written approval for any permit prior to the issuance by the Municipal Clerk of the said permit.

§ 3-510 MUNICIPAL CEMETERY; SEXTON.

The Cemetery Board, subject to the approval of the Governing Body, shall have the authority to appoint a Sexton who shall perform such duties and make such reports as the Cemetery Board shall direct. It shall be the duty of the Sexton, upon receiving a burial permit to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate, or cause the same to be dug or excavated, in compliance with the rules and regulations of the Cemetery Board.

(Ref. 12-403 RS Neb.)

§ 3-511 MUNICIPAL CEMETERY; GRAVE DEPTH.

Graves shall not be less than six (6') feet deep; Provided, nothing herein shall be construed to prohibit the use of mausoleums or other recognized methods of interring deceased persons if such a burial procedure is approved by the Cemetery Board.

§ 3-512 MUNICIPAL CEMETERY; PERPETUAL CARE.

The Municipal Treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature, and as it accumulates shall be invested in such interest bearing securities as are authorized by State law. The income earned thereon shall be used solely for the purposes of perpetual care for the Cemetery lots. Any lot owner who shall not have, prior to the purchase of his lot, endowed his holdings with perpetual care, may do so by paying to the Secretary of the Cemetery Board such sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

§ 3-513 MUNICIPAL CEMETERY; DESTRUCTION OF PROPERTY.

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the Cemetery, or any fence, railing, or other work for the protection or ornamentation of the Cemetery, or who shall willfully destroy, cut, break, or injure any tree, shrub, or plant shall be deemed to be guilty of a misdemeanor.

(Ref. 28-512 RS Neb.)

§ 3-514 MUNICIPAL CEMETERY; RECLAMATION.

When any lot has been transferred by warranty deed or by a deed conveying a fee simple title, but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three (3) years, the Cemetery Board with the sanction of the Governing Body, may reclaim the unused portion of such lot or subdivision after notifying the record owner or his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four (4) weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within fifteen (15) days after the last date of such publication, the Cemetery Board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the Register of Deeds.

(Ord. No. 454, 12/9/86)

ARTICLE 6: DUMPING GROUNDS

§ 3-601 MUNICIPAL DUMPING GROUND; OPERATION AND FUNDING.

The Municipality leases the Municipal Dumping Grounds, and operates the same through the Dump Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Dumping Grounds 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 Dump Fund and shall remain in the custody of the Municipal Treasurer. The Dump Commissioner shall have the direct management and control of the Municipal Dump and shall faithfully carry out the duties of his office. The Dump Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Dumping Grounds subject to the supervision and review of the Governing Body. Fees and rates for the use of said Municipal Dumping Grounds may be set by the Mayor and City Council by resolution and kept on file with the City Clerk.

(Ref. 19-2101 thru 19-2106 RS Neb.) (Amended by Ord. No. 264, 2/14/77)

§ 3-602 MUNICIPAL DUMPING GROUNDS; STATE REGULATIONS.

The Municipality shall each year apply for a license to operate the Municipal Dumping Grounds. Application shall be made to the Director of the Environmental Control Council on forms provided by the Director. No fee shall be charged for such licensing. Each license so issued shall expire on October 1, following the date of issuance. It shall be the duty of the Dump Commissioner to comply with the rules and regulations prescribed by the Environmental Control Council for the use and operation of the Municipal Dumping Grounds.

(Ref. 81-1517, 81-1519 RS Neb.)

ARTICLE 7: WATER DEPARTMENT

§ 3-701 MUNICIPAL WATER DEPARTMENT; TERMS DEFINED.

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

SUPPLY PIPE. The term "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.

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

SEPARATE PREMISE. The term "separate premise" is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

§ 3-702 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department through the Water Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Water Commissioner shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Water Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time.
(Ref. 17-531, 17-534, 19-1305 RS Neb.)

§ 3-703 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION.

Every person or persons desiring a supply of water must make application therefor to the Municipal Clerk upon the blanks to be furnished by him for that purpose. The Municipal Clerk may require any

applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Water may not be supplied to any house or private service pipe except upon the written order of the Water Commissioner. The Department shall not supply to any person outside the corporate limits water service without special permission from the Governing Body; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. *(Ref. 17-537 19-2701 RS Neb.)*

§ 3-703.01 MUNICIPAL WATER DEPARTMENT; CONSUMERS APPLICATION FOR DEDICATED FIRE PROTECTION SPRINKLER SYSTEM.

Every person or persons desiring a separate supply of water for purpose of a fire protection system shall make application therefor to the Municipal Clerk and pay a fee of \$25.00.

The City shall not require that the water service line be metered and the consumer shall not be required to pay for any water use; provided, however, that the water be used solely and exclusively for fire protection service only.

The consumer shall be required to pay the tapping fee to connect with the City of Stromsburg water main and the entire cost of installation of the water service line. The dedicated fire protection line shall be equipped with a double-check backflow prevention valve and a blow-off valve to permit the line to be flushed periodically, both valves which shall be approved by the Water Commissioner. In addition, the construction of the tapping of the line and the construction of the water service line and installation of required valves shall be subject to supervision by the Water Commissioner at all reasonable times.

It is hereby declared to be unlawful for any owner or consumer to use any water from the dedicated fire protection service line except in connection with testing and periodic flushing of the fire protection sprinkler system or actual use in the protection against fire and smoke.

(Ord. No. 632, 8/23/94)

§ 3-704 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the Water Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Water Commissioner; provided that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. *(Ref. 17-537 RS Neb.)*

§ 3-705 MUNICIPAL WATER DEPARTMENT; 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, or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipefitter shall have first procured a license or permit from the Municipality. All plumbing shall be skillfully done, and in the manner required by the Water Commissioner. The said licensed plumber shall be at all times subject to the inspection and approval of the Water Commissioner and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (*Ref. 17-537 RS Neb.*)

§ 3-706 MUNICIPAL WATER DEPARTMENT; TIME.

All taps or plumbing work done on or to the Municipal water system shall be done between the hours of eight (8:00) o'clock A.M. and six (6:00) o'clock P.M. (*Ref. 17-537 RS Neb.*)

§ 3-707 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE.

(1) The expense of providing water service to the lot line shall be paid by the consumer. The consumer shall then pay the cost of installation and pipe from the lot line to the place of dispersement. The Municipality shall sell to the consumer the stop box, curb stop, and the meter, and the cost of the installation of the stop box, curb stop, and teeter shall be paid by the consumer. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the said lot line to the place of dispersement.

(2) The expense of installation and the cost of the water meter shall be paid by the Municipality. The Municipality shall own the water meter and shall have the right to enter the premises at reasonable times to inspect, test and repair and replace the water meter.

(3) At any time a water meter shall be replaced by the Municipality for any building, said meter shall be installed in such manner that the apparatus for indicating consumption, know as a "remote reader," shall be attached to the outside of the building. The installation expense shall be paid by the Municipality. (*Ref. 17-542 RS Neb.*) (*Amended by Ord. Nos. 305, 1/10/79; 916, 5/25/04*)

§ 3-708 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE.

All repairs to the service pipe, meters, or other appurtenances leading from the shut-off to the meter shall be paid by the consumer. Maintenance of the supply pipe and the: main shall be the responsibility of the Municipality. All other expenses shall be charged to the consumer. (*Ref. 17-537 RS Neb.*)

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§ 3-709 MUNICIPAL WATER DEPARTMENT; METERS.

All water meters shall be read at least four (4) times per annum. The Water Commissioner shall read, or cause to be read, the said meters between the nineteenth (19th) day of the third (3rd) month of the quarter during which water service is used and the first (1st) day of the succeeding quarter. In the event that a meter is broken or otherwise fails to register accurately the use: of water by any consumer, the Water Commissioner shall use the six (6) month average of the season one (1) year previous to such breakage for billing purposes.

§ 3-710 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS.

The Governing Body 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 Municipal Clerk. The Water Commissioner shall bill the consumers and collect all money received by the Municipality on the account of the Water Department. (*Ref. 17-540 RS Neb.*)

§ 3-711 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Water Commissioner to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. (*Ref. 17-542 RS Neb.*)

§ 3-711.01 MUNICIPAL WATER DEPARTMENT; WATER RATE SCHEDULE.

(1) *Effective date.* Beginning October 1, 2013, the water rates and connection fees herein specified shall be charged to water customers for water furnished them by the Water Department of the City of Stromsburg and for new connections made after said date.

(2) *Water rate schedule.*

(a) The following charges for residential water service inside the City limits shall be in effect from and after October 1, 2013, as provided herein:

<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
1 ¼ and less	\$38.00
1 ½	\$76.15
2	\$117.50
plus water consumption per 1,000 gallons: \$2.50	

Water Department

<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
2½	\$179.25
3	\$265.25
4	\$397.50
6	\$760.00
plus water consumption per 1,000 gallons: \$2.50	

(b) The following charges for residential water service outside the city limits shall be in effect from and after October 1, 2013, as provided herein:

<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
1¼ and less	\$58.25
1½	\$116.50
2	\$182.02
2½	\$276.70
3	\$364.08
4	\$618.90
6	\$1,165.00
plus water consumption per 1,000 gallons: \$3.75	

All customer charges are based upon the base rate of \$38.00 for a one (1)-inch meter.

(c) The following charges for commercial water service inside the city limits shall be in effect from and after October 1, 2013, as provided herein:

<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
1¼ and less	\$38.00
1½	\$76.15
2	\$117.50
2½	\$179.25
3	\$265.25
plus water consumption per 1,000 gallons: \$2.90	

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<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
4	\$397.50
6	\$760.00
plus water consumption per 1,000 gallons: \$2.90	

(d) The following charges for commercial water service outside the city limits shall be in effect from and after October 1, 2013, as provided herein:

<i>Meter Size (inches)</i>	<i>Customer Charge, Monthly</i>
1 ¼ and less	\$58.25
1 ½	\$116.50
2	\$182.02
2 ½	\$276.70
3	\$364.08
4	\$618.90
6	\$1,165.00
plus water consumption per 1,000 gallons: \$3.75	

All customer charges are based upon the base rate of \$38.00 for a one(1)-inch meter.

(3) *Multiple use meters.* In the event that more than one (1) dwelling unit, commercial establishment or other separate entity water users are supplied through the same meter, the owner of the premises shall pay one customer charge, based on meter size, and shall pay for all water provided through said meter at the rates specified in division (2) above.

(4) *Tapping fee.*

(a) For each new connection or tap made to an existing public service water main, the applicant for such new connection shall pay the following connection fee, to-wit:

Tapping Fee: \$500.00

(b) The tapping fee shall include the curb stop, the meter, the remote meter reader and the saddle.

(5) *Connect/disconnect fees.* There shall be a fee of twenty dollars (\$20.00) imposed each time a water service is disconnected and service is terminated whether by customer request or for non-payment of user charges, except for final billing involving no actual shut off. There shall also be a fee of twenty dollars (\$20.00) imposed each time water service is connected for a customer, except for initial water service.

(6) *Penalty.* The cost of utility usage shall be due and payable by the fifteenth (15th) of the month in which billing is received. Any payments made after the fifteenth (15th) of the month shall be subject to an additional charge of five percent (5%).

(7) *Lien upon the premises.* All water use charges prescribed by the section shall be a lien upon the premises and real estate for which the water service is supplied and used, and if not paid when due such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law from the owner or the person, firm or corporation requesting the service, or it may be certified to the Polk County Treasurer and assessed against the premises served and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned. Bills for the water use charges made by this section shall be rendered on the first day of each month and all water use charges levied by this section which are not paid within twenty (20) days, shall be deemed to be delinquent and the water service of such consumer may be discontinued. A disconnection charge of twenty dollars (\$20.00) shall be assessed against said consumer; service shall be reconnected upon payment in full, and a charge of twenty dollars (\$20.00) shall be assessed against said consumer for such reconnection. (*Ord. No. 1073, 9/11/13*)

§ 3-712 MUNICIPAL WATER DEPARTMENT; SERVICE DEPOSIT.

The service deposit required for water service shall be promptly paid upon demand by all customers of the water system. From the said deposit shall be deducted all delinquent water charges. The service deposit shall be collected by the Municipal Clerk who shall keep the said fees in a trust fund for customers of the water system. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the Municipal Water Department. (*Ref. 17-540 RS Neb.*)

§ 3-713 MUNICIPAL WATER DEPARTMENT; DELINQUENT PAYMENTS.

Water fees shall be due and payable quarterly at the office of the Municipal Clerk. If the said fees are not paid within twenty (20) days after the same became due, the water will be turned off, in compliance with section 3-1101, and not turned on again until all back fees and charges are paid, including any penalty charge which the Governing Body may, by resolution, prescribe. The owner of the premise will in all cases be held primarily responsible and will be required to pay for water used at such premise. (*Amended by Ord. No. 325, 9/13/79*)

§ 3-714 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE.

No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Water Commissioner. (*Ref. 17-537 RS Neb.*)

§ 3-715 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE.

The Governing Body or the Water Commissioner 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 Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (*Ref. 17-537 RS Neb.*)

§ 3-716 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS.

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

§ 3-717 MUNICIPAL WATER DEPARTMENT; POLLUTION.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (*Ref. 17-536 RS Neb.*)

§ 3-718 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP.

All persons within three hundred (300') feet of a water main shall be required, upon notice by the Governing Body, to hook-up with the Municipal Water System. (*Ref. 17-539 RS Neb.*)

§ 3-719 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Water Commissioner who shall cause the water service to be shut off at the said

premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Water Commissioner is otherwise advised of such circumstances. (*Ref. 17-537 RS Neb.*)

§ 3-720 MUNICIPAL WATER DEPARTMENT; INSPECTION.

The Water Commissioner, or his duly authorized agents, shall have free access, between eight (8:00) o'clock A.M. and six (6:00) o'clock P.M. to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (*Ref. 17-537 RS Neb.*)

§ 3-721 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS.

It shall be the duty of the Municipal Police to report to the Water Commissioner all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

§ 3-722 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a 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 Water Commissioner.

§ 3-723 CONSTRUCTION OF WATER WELLS.

Construction of a water well of any kind, whether a sand point, a well drilled by cable or by rotation shall be prohibited within the corporate limits, or within one (1) mile of said corporate limits, unless the Building Inspector has approved the construction of said well. The well contractor must obtain written permission of the Building Inspector before commencing construction of the well.

The water well must be located and constructed according to title 178 Nebraska Department of Health/Housing and Environmental Health Services/Regulations, Chapter 9 - Rules and Regulations Governing a Private Water Well. (*Ord. No. 482, 11 /10/87*) (*Amended by Ord. No. 714, 6/11 /96*)

§ 3-723.01 WELLHEAD PROTECTION AREA.

Section 17-1001 RS Neb. provides that the jurisdiction of a city, to prevent any pollution or

injury to the stream or source of water for the supply of water, shall extend one (1) mile beyond the corporate

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limits of such city. The Municipal water wells are within the corporate limits or one (1) mile beyond such corporate limits and therefore the City of Stromsburg has created a Wellhead Protection Area, as described in Ordinance No. 943, adopted April 12, 2005 and incorporated herein by reference, to meet the need for regulation regarding the location of existing and future potential sources of pollution or injury to the public water supply of the City. (Ord. No. 943, 4/12/05)

§ 3-723.02 DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL.

(1) *General.* All facilities existing on the effective date of enactment shall be exempt from the requirements of this section.

(a) The Manual of Water Well Construction Practices, published by the United States Environmental Protection Agency, Office of Water Supply, and Recommended Standards for Water Works, 1987 Edition, published by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, are hereby adopted by the Nebraska Department of Health as guidelines for water system design. The Nebraska Department of Health, Title 179, Chapter 2, Attachment 1 set these guidelines for water system design.

(b) The minimum recommended horizontal distance in feet separating the Municipal water well from potential sources of contamination should be as described below.

All water wells, including, but not limited to,
domestic supply wells, irrigation wells, stock

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(2) *Procedure to obtain permit.* Should any person, corporation or other legal entity desire to obtain a permit to drill and/or operate any of the facilities described above, the owner of real property on which the proposed facility is to be located must complete and submit an application to the Stromsburg Building Inspector.

(a) The placing, constructing or replacing of any structure or activity as set forth in subsection (1)(b) above shall not be permitted after the effective date of this section, unless a permit approved by the City Council has been obtained.

(b) The Mayor and City Council may consider the placing, constructing or replacing of any structure or activity described in subsection (1)(b) above within the Wellhead Protection Area. Placement shall only be allowed if the following procedure is utilized:

1. An application must first be filed with the City Clerk and not adversely impact the City's Municipal water supply.
2. The Mayor and City Council shall refer the application.
3. The Mayor and City Council in reaching its decision must act to prevent all sources of possible or likely pollution or injury.
4. No structure or activity described in subsection (1)(b) above shall be commenced after the effective date of this section without the approval of the Mayor and City Council.

(3) Structures or activities described in subsection (1)(b) above in existence in the Wellhead Protection Area, as of the effective date of this section, shall continue to be permitted unless such continued existence or use, in the opinion of the Mayor and City Council presents a hazard to the quality or quantity of the drinking water. The City Council shall authorize the Mayor to notify the owner of the structure or activity described in subsection (1)(b) above to cease and desist said structure or activity. If said owner does not cease and desist said structure or activity pursuant to said notice, the Mayor may proceed pursuant to subsection (4) below against said owner and/or structure or activity.

(4) Any person found violating any provision of this section shall be subject to a fine, not to exceed five hundred dollars (\$500.00). The continuation of a violation of this section shall be deemed an additional crime for every twenty-four (24) hours of such continued violation. In addition, the City may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters. (*Ord. No. 943, 4/12/05*)

§ 3-724 WATER SERVICE; LIEN UPON THE PREMISES.

All water use charges prescribed by the ordinance shall be a lien upon the premises and real estate for which the water service is supplied and used, and if not paid when due such charge shall be certified

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to the City Treasurer and may be recovered by the City in an action at law from the owner of the person, firm or corporation requesting the service, or it may be certified to the Polk County Treasurer and assessed against the premises served and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned. Bills for the water use charges made by this ordinance shall be rendered on the first day of each month and all water use charges levied by this ordinance which are not paid within twenty (20) days, shall be deemed to be delinquent and the water service of such consumer may be discontinued.

(Ord. No. 490, 6/28/88)

§ 3-725 WATER MAIN EXTENSIONS.

(1) All requests for extension and/or additions to the existing Municipal water main shall be in writing to the Municipal Clerk upon forms to be furnished by the Clerk. the Governing Body shall not be required to extend the existing Municipal Water main unless a majority of the Governing Body deem it in the best interests of the Municipality and provided that adequate funds have been budgeted for such capital improvements and are available for construction of an extension to the existing Municipal water main.

(2) Upon a properly completed request for water train extension and/or addition, the Municipality shall cause its engineer to estimate the cost of construction from the location of the property to be served by the new water line to the point of connection to the existing main at a point where it would be most cost effective, taking into consideration all factors of construction and the location shall be determined in the best interest of the City. The engineer shall report to the Governing Body within one month from the date the application was properly submitted to the Municipal Clerk.

(3) In the event, after receiving the engineer's estimate, the Governing Body deems it in the best interest of the Municipality to extend the existing Municipal water main and adequate funds for said purpose have been budgeted and are available in the present fiscal year, the Governing Body shall cause the improvements to be made. The costs for the extension of existing Municipal water main shall be allocated as follows:

(a) Extension for a residential service up to 300 feet shall be borne by the City.

(b) Extension for residential service in excess of 300 feet shall be paid two-thirds by the property owner and one-third by the City with the cost of extension of the first 300 feet being borne entirely by the City.

(c) Extension of the Municipal water main to a developer, who shall be defined as an individual or entity owning more than one lot upon which they desire to improve with new single family or multi-family residential construction, shall for the first 600 feet be paid by the City. However, in the event that less than 50 percent of the residential lots owned by the developer and abutting the construction of the water main as extended are not improved by the construction of a single family or multi-family residence within two years from the completion of the extension of the water main, then the developer shall be responsible for payment to the City for two-thirds of the cost of the extension of the Municipal water main in excess of the first 300 feet. A developer shall be

required to pay two-thirds

of the cost of the extension of the existing water main for all extensions in excess of 600 feet, with the Municipality paying the entire cost for the first 600 feet. A developer who does not improve at least 50 percent of the lots available for residential construction within two years of the completion of the water main shall be required to also pay to the City two-thirds of the costs in excess of 300 feet.

(d) For extension of the Municipal water main for new business, commercial and industrial consumers the allocation of costs shall be determined by the Municipality at the time application is made therefore. The factors used by the Governing Body to determine the portion of the cost paid by the business, commercial or industrial property owner shall include, but not be limited to:

(i) size of the proposed business, including number of jobs created;

(ii) the amount of taxable assessed value of the property after construction of any improvements thereon;

(iii) the estimated revenue to be paid by the business, industrial or commercial user.

(e) Costs of construction shall include but not be limited to labor, materials, engineering and legal expenses incurred in connection with the water main extension.

(4) Prior to the commencement of construction of an extension to the existing Municipal water main, the Municipality shall require the property owner to make a deposit of 110 percent of the owner's share of the estimated costs of construction, as defined above. If the actual cost upon completion of the project is less than the amount deposited, the difference shall be immediately refunded, without interest, to the property owner. In the event the actual cost of construction upon completion is greater than the amount of the deposit, the property owner shall immediately pay the difference to the Municipality.

(5) Nothing herein shall prohibit the Municipality from causing the construction and/or addition to the existing Municipal water system entirely at Municipal expense; provided, however, that the Governing Body shall first determine, prior to any such construction, that the addition or extension shall be a benefit to the Municipality as a whole and not to any particular owner of property. In addition, nothing herein shall prohibit the Municipality from constructing additions to the Municipal water main under any other method authorized by state law.

(Ord. No. 539, 3/13/90) (Amended by Ord. No. 722, 5/27/97)

(Editor's Note: Sections 3-726 through 3-737 were adopted in their entirety by Ordinance No. 611, passed April 13, 1993]

§ 3-726 MUNICIPAL, WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; GENERAL.

(1) DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Article.

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

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

(c) "Approved" means that a backflow prevention device or method has been accepted by the Manager as being suitable for the intended use.

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

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

(f) "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. Devices such as an "approved air-gap", "double check valve assembly", "antisiphon vacuum breaker" or a "reduced pressure principle device" can be used which have been approved by the Manager.

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

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

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

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

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

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(l) "Double check valve assembly" means an assembly composed of two single, independently acting, check valves including one hundred percent closing shutoff ball valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

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

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

(o) "Licensed plumber" means a person which has obtained the appropriate license from the Mayor and Council to perform plumbing related work within the City limits of Stromsburg.

(p) "Manager" means the Director of Public Works for the City of Stromsburg.

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

(r) "Owner" means the person delivering water through a public water supply system. The owner is the City of Stromsburg.

(s) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity. When the term "he" or "his" is used, it shall mean any male or female person.

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

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

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

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

(x) "Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. The water supply source is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network

includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

(y) "Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include one hundred percent closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

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

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

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

(2) RESPONSIBILITY. The consumer as defined in these regulations, if requested by the Manager, shall designate an individual or individuals, who shall be responsible for contract and communications with the Manager in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping, and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the Manager.

(3) TITLE. Stromsburg City Code sections 3-726 through 3-737 and any amendments pertaining thereto, shall be known as the backflow prevention ordinance,

§ 3-727 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE.

(1) The purpose of sections 3-726 through 3-737 is to protect the public water supply system of the City of Stromsburg from the possibility of contamination by isolating real or potential sources of contamination or pollution which gray backflow into the public water supply system. This ordinance provides for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply systems.



(2) The Manager shall be responsible for the implementation of the backflow prevention program as outlined within this ordinance. If in the judgment of the Manager an approved backflow prevention device is required for the safety of the public water supply system then the Manager shall give notice in writing to the consumer to install said device at each recommended location. The Manager shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing, and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double check valves and reduced pressure zone devices shall be performed by persons licensed for such testing by the State of Nebraska at the request and expense of the consumer. Records of such tests shall be filed with the Municipal Water Department and shall be kept by the Department for a minimum of five (5) years. If, as a result of such testing, maintenance or repairs are necessary, the owner shall be contacted and issued an order to make all necessary repairs or maintenance. The Owner shall complete all maintenance or repairs within thirty (30) days; if not, the Owner shall be considered in violation of the backflow ordinance and will be subject to disconnection of the service as provided in section 3-735.

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

(4) For the purposes of this backflow prevention ordinance, whenever the Manager is to make any decision or interpretation, or whenever reference is made to the fact that the Manager is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this backflow prevention ordinance, and any other applicable provisions of the Stromsburg City Code and state and federal law.

§ 3-728 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEYS AND INVESTIGATIONS.

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

(2) On request by the Manager, the consumer shall furnish the Manager information on water use practices within the consumer's premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the Manager shall treat the premises as if no

appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required to section 3-729.

(3) The Manager shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of ° g surveys and investigations of water use practices within the premises. In order to inspect a premise, the Manager shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the Manager and arrange for another date and time for the inspection. If the Manager and the consumer cannot agree on a date and time, then the Manager shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required to section 3-729.

(4) The Stromsburg City Council is hereby appointed as a Hearing Board to hear differences between the Manager and the consumer on matters concerning interpretation and execution of the provisions of sections 3-726 through 3-737 by the Manager. Any consumer aggrieved by being required to pay the expense of installing, furnishing, and/or maintaining a backflow prevention device may, within fourteen (14) days of the act or event causing the grievance, request a hearing in writing to present those grievances to the Hearing Board. The Hearing Board shall schedule the matter for hearing within thirty (30) days, and provide written notice of the hearing by first class mail to the consumer. The notice shall be mailed to the consumer at least seven (7) and not more than twenty-one (21) days before the hearing. At the hearing the consumer shall first state the nature of the grievance, and the Manager shall be entitled to respond thereto, whereupon the Hearing Board shall render its decision which will be binding upon the consumer and the Manager.

§ 3-729 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED.

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

(2) An approved backflow prevention device shall be installed when the following conditions are found by the Manager to exist:

(a) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to a public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from a public water supply system which are no longer under the sanitary control of the owner;

(b) Premises having internal cross-connections that, in the judgment of the Manager, are not correctable, or there exist intricate plumbing arrangements which made it impracticable to determine whether or not cross-connections exist.

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(c) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

(d) Premises having a repeated history of cross-connections being established or re-established;

(e) Premises having more than one customer service connection which could constitute a potential cross-connection.

(f) Premises where the consumer has not completed and returned the water use surveys as required by section 3-728.

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

(a) Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;

(b) Testing laboratories, film laboratories, film development facilities;

(c) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;

(d) Food or beverage processing plants;

(e) Chemical plants;

(f) Metal de-greasing, plating industries, machine tool plants, dye and metal processing or productions;

(g) Chemical and petroleum processing or storage plants;

(h) Car washes, automobile servicing facilities;

(i) Lawn irrigation systems and swimming pools;

(j) Laundries and dry cleaners;

(k) Packing houses;

(l) Power plants;

(m) Premises having radioactive materials such as laboratories, industries, hospitals;

(n) Rendering plants;

(o) Premises having water recirculating system as used for boilers or cooling systems;

- (p) Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons;
- (q) Beauty salons, barbershops, massage parlors, health club;;
- (r) Fire suppression systems;
- (s) Multi-storied buildings greater than three (3) stories in height;
- (t) Schools, universities, colleges;
- (u) Other commercial or industrial facilities which may constitute potential cross-connection.

3-730 MUNICIPAL WATER R DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED.

(1) The type of protection required under sections 3-729(1) and 3-729(2) of this Article shall depend on the degree of hazard that exists as follows:

(a) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard;

(b) An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard;

(c) An approved reduced pressure principle backflow prevention device shall be installed at the service connection where there exists a plumbing hazard;

(d) In the case of any premises where, because of security requirements or other prohibitions it is impossible or impractical to make a complete cross-connection survey of the consumers potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

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

§ 3-731 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES.

(1) Any approved backflow prevention device required by section 3-729 shall be installed at a location and in a manner approved by the Manager. The consumer, at his sole expense, shall obtain and install said approved backflow prevention devices) within ninety (90) days of notice and as directed by the Manager.

(2) Existing backflow prevention devices approved by the Manager prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of section 3-731 but only if the Manager determines that the devices will satisfactorily protect the public water supply system. One hundred percent (100%) closing shut off ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the Manager. If deemed necessary by the Manager that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

§ 3-732 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; BOOSTER PUMPS.

(1) No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises, unless such booster pump is equipped with a low pressure cut-off designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) pounds per square inch gauge or less.

(2) It shall be the duty of the water customer to maintain the low pressure cut-off device in proper working order.

§ 3-733 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; YARD HYDRANTS.

(1) The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below ground surface, is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply.

(2) Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer, or other chemicals, for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.

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

§ 3-734 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; FIRE SUPPRESSION SYSTEM.

(1) All proposed installations of fire suppression systems shall be reviewed by the Manager to determine the appropriate type of backflow prevention device(s) required.

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

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

(4) All existing fire suppression systems shall meet the requirements of subsections (2) or (3) above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical grade antifreeze(s) have been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreezes have been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the Manager. This also shall be done at the expense of the consumer.

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

§ 3-735 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS.

(1) The Manager shall deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:

(a) Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the Manager;

(b) It is found that the backflow prevention device has been removed or by-passed;

(c) An unprotected cross-connection exists on the premises;

(d) A low pressure cut-off required by section 3-732 is not installed and maintained in working order; or

(e) The Manager is denied entry to determine compliance with these regulations.

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

(3) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Manager.

§ 3-736 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; APPROVAL STANDARDS.

(1) Any backflow prevention device required herein shall be of a model and size approved by the Manager. The term "Approved Backflow Prevention Devices" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Associations (AWWA) entitled: AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices and by the American Society of Sanitary Engineers (ASSE) entitled:

- No. 1001 Pipe Applied Atmospheric Type Vacuum Breakers - ANSI Approved - 1982 Revised, 1988
- No. 1011 Hose Connection Vacuum Breakers - ANSI Approved 1982
- No. 1012 Backflow Preventer/Intermediate Atmospheric Vent - 1978
- No. 1013 Reduced Pressure Principle Backflow Preventer - Revised 1988
- No. 1015 Double Check Backflow Prevention Assembly - Revised 1988
- No. 1019 Wall Hydrants, Freezeless, Automatic Draining, Anti-Backflow Types - ANSI Approved 1978
- No. 1020 Vacuum Breakers, Anti-siphon, Pressure Type -ANSI Approved 1982
- No. 1024 Dual Check Valve Type Backflow Preventers - ANSI Approved 1984 - Revised 1988
- No. 1032 Dual Check Valve Type Backflow Preventer for Carbonated Beverage Dispensers 1980
- No. 1035 Laboratory Faucet Vacuum Breakers - ANSI Approved 1984
- No. 1048 Double Check Detector Assembly Backflow Preventer - 1989

Said standards and specifications have been adopted by the Manager. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said standard and specifications.

(2) The Manager shall keep a current list of all certified suppliers and their appropriate list of makes and models of backflow prevention devices which the Manager has deemed approved.

(3) The Manager may require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of strainers shall preclude the fouling of

backflow device(s) due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains causing fouling of backflow device(s).

§ 3-737 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS.

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

§ 3-738 MUNICIPAL WATER DEPARTMENT; REMOVAL OF EXISTING WATER SERVICE.

(1) In the event that it becomes necessary to remove an existing water service line from operation for any reason whatsoever, an application to remove the service shall be made to the Municipal Water Commissioner. The work shall be performed by the Municipal Water Commissioner or persons authorized by him only after approval of the application. The service line shall be disconnected as close to the main as is practical, taking into consideration the location of existing water mains under paved streets.

(2) A removal of service fee of two hundred dollars (\$200.00) shall be paid in advance by the property owner and the work shall not be started until said fee is paid and application approved.

(3) Said fee shall be credited to the consumer upon receipt of an application for service within eighteen (18) months of the date of removal of service. The credit shall not be transferable to a subsequent property owner. (*Ord. No. 952, 8/23/05*) (*Amended by Ord. No. 1033, 8/22/11*)

§ 3-739 MUNICIPAL WATER SYSTEM; BUILDING MOVING, REMODELING, CONSTRUCTION OR DEMOLITION.

Should any house, building, or other structure moving, remodeling, construction or demolition occur or be necessary and it becomes necessary in said work to remove or disturb any of the property of the Municipal Water System, the same should not be done except on the written permission received from the Water Commissioner. The Water Commissioner shall then order paid in advance the actual cost of moving the said water lines, meters or any other Municipal Water System apparatus and such costs shall be paid by the applicant prior to the moving of the building, house or other structure. All expenses of removing, changing and replacing said water lines or apparatus of the water system shall be paid out of the deposits made prior to the moving, remodeling, construction or demolition and any surplus remaining

after all expenses are paid shall be returned to the applicant, provided that in the course of said moving, remodeling, construction or demolition of the house, building or other structure it becomes apparent to the Water Commissioner that additional expenses will be incurred, he shall have the authority to demand such additional deposit as he deems necessary. (*Ord. No. 948, 8/23/05*)

§ 3-740 MUNICIPAL WATER SYSTEM; PROHIBIT THE ADDITION OF FLUORIDE.

Fluoride shall not be added to the water system of the City of Stromsburg, Nebraska. (*Ord. No. 1004, 12/8/2008*)

ARTICLE 8: SEWER DEPARTMENT

§ 3-801 MUNICIPAL SEWER DEPARTMENT; TERMS DEFINED.

BUILDING OR HOUSE SEWER. The terms "Building Sewer" and "House Sewer" as used in this Code, shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

BUILDING OR HOUSE DRAIN. The terms "Building Drain" and "House Drain" as used in this Code, shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

SOIL PIPE. The term "Soil Pipe" as used in this Code, shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

WASTE PIPE. The term "Waste Pipe" as used in this Code, shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe, or waste stack.

LOCAL VENTILATING PIPE. The term "Local Ventilating Pipe" as used in this Code, shall mean and include any pipe through which foul air is removed from a room or fixture.

VENT PIPE. The term "Vent Pipe" as used in this Code, shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

TRAP. The term "Trap" as used in this Code, shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TRAP SEAL. The term "Trap Seal" as used in this Code, shall mean and include the vertical distance between the crown weir and the dip of the trap.

PLUMBING FIXTURES. The term "Plumbing Fixtures" as used in this Code, shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

SEWER SYSTEM. The term "Sewer System" as used in this Code, shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

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

SANITARY SEWER. The term "Sanitary Sewer" as used in this Code, shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

STORM SEWER. The term "Storm Sewer" as used in this Code, shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

GARBAGE. The term "Garbage" as used in this Code, shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

PROPERLY SHREDDED. The term "Properly Shredded" as used in this Code, shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half ($1/2$) inch in diameter.

BIOLOGICAL OXYGEN DEMAND. The term "Biological Oxygen Demand" as used in this Code, shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees C., expressed in parts per million by weight.

pH. The term "pH" as used in this Code, shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SUSPENDED SOLIDS. The term "Suspended Solids" as used in this Code, shall mean and include solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by filtering.

§ 3-802 MUNICIPAL SEWER DEPARTMENT; OWNERSHIP AND FUNDING.

(1) The Municipality owns and operates the Municipal Sewer System through the Sewer Commissioner.

(2) For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the Municipality, the Governing Body may each year levy a tax not exceeding the maximum limit prescribed by State law on the taxable value of all taxable property in the Municipality. The revenue from the tax shall be known as the Water and Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.

(3) The Sewer Commissioner shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body.

(Ref. 17-925.01 RS Neb.) (Amended by Ord. No. 778, 9/22/98)

§ 3-803 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR PERMIT.

Any person wishing to connect with the Sewer System shall make an application therefor to the Municipal Clerk upon he blanks to be furnished by him for that purpose. The Municipal Clerk may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Sewer service may not be supplied to any house or building except upon the written order of the Sewer Commissioner. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; Provided, that the entire cost of pipe and other installation charges shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents.

(Ref. 17-149, 19-2701 RS Neb.)

§ 3-804 MUNICIPAL SEWER DEPARTMENT; MANDATORY HOOK-UP.

Upon written notice by the Sewer Commissioner, the property owner, occupant, or lessee shall without delay cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its construction. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period of ten (10) days after notice has been given to ;him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality, to make such connection, the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

(Ref. 17-149, 17-149.01 RS Neb.)

§ 3-805 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL WASTE DISPOSAL.

It is hereby declared to be unlawful for the owner of any lot or parcel of ground in the Municipality to permit or maintain any privy vault, cesspool, or other receptacle for human excrement not connected with and drained by the Municipal Sewer System.

(Ref. 17121 RS Neb.)

§ 3-806 MUNICIPAL SEWER DEPARTMENT; DIRECT CONNECTIONS.

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two (2) or more houses be allowed to make such connections through one (1) pipe. (Ref. 18-503 RS Neb.)

§ 3-807 MUNICIPAL SEWER DEPARTMENT; 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 thereto without holding a Municipal Plumber's License and without complying with the rules and regulations of the Sewer Commissioner; Provided, that nothing therein shall be construed to apply to persons, firms, or corporations under special contract with the Municipality for the construction, extension, or repair of the Municipal Sewer System.

(Ref. 17-149 RS Neb.)

§ 3-808 MUNICIPAL SEWER DEPARTMENT; PLUMBER'S LIABILITY.

The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he may cause to the sewers or the public ways and property. He shall restore to the complete satisfaction of the Sewer Commissioner all streets that he has excavated and make good any settlement of the ground or pavement caused by his excavations.

(Ref. 17-149 RS Neb.)

§ 3-809 MUNICIPAL SEWER DEPARTMENT; INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of twenty-four (24) hours or more, the Sewer Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation by the Sewer Commissioner; Provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

(Ref. 18-503 RS Neb.)

§ 3-810 MUNICIPAL SEWER DEPARTMENT; INSTALLATION SPECIFICATIONS.

All building drains shall be constructed of commonly used material of a size not less than four (4") inches in diameter and which is approved by the Sewer Commissioner. All excavations shall be open trench work unless otherwise ordered by the Sewer Commissioner. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower one-third of each pipe. Bell holes shall be dug to provide ample space for the pouring of joints. Care must be exercised in backfilling below the center line of the pipe, in order to give it proper support. Backfilling shall be

placed in layers and solidly tamped or packed up to two (2') feet above the pipe. Backfilling shall not be done unless final inspection

is made by the Plumbing Inspector. Any material used shall conform to common standards of manufacture. In joining vitrified clay sewer pipe, the spigot of one (1) pipe must be carefully centered in the bell of the next pipe. Joints shall be firmly packed with oakum or jute in such a manner as not to disturb the alignment of the pipes, and in such a way as to permit the compound to have the greatest unobstructed surface of good pouring and adhesion. For a four (4'°) inch pipe, approximately one (1) ounce of dry braided jute shall be used and for a six (6") inch pipe, approximately four (4) ounces of dry braided jute shall be used. Joints shall be formed by means of approved sealing material. Jointing compound shall be completely resistant to any acid or alkaline condition found in ordinary sewage and shall be immune to attack by any chemicals found in natural soils or to soil bacteria. Pipes before jointing shall be dry and clean. Joints for cast iron pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead, well caulked, not less than one (1 ") inch deep. No paint, varnish, or putty will be allowed in the joints until they have been tested. Each and every part of the building sewer or drain shall be tested for water tightness before being concealed or backfilled. All service or lateral sewer pipe laid hereafter in the streets or public ways and property within the Municipality shall be six (6") inches in diameter. All service pipe shall be laid on the premise of the owner of the property served and shall be at least four (4") inches in diameter.
(Ref. 17-149 RS Neb.)

§ 3-811 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE.

The entire cost of providing sewer service to any building shall be paid by the consumer. The consumer shall be required to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay the expense of installation entirely.
(Ref. 17-149 RS Neb.)

§ 3-812 MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT.

The Municipal Sewer Department may require the owner of any property which is within the Municipality 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.

The Municipal 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 thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Sewer Commissioner may cause such work to be done and assess the cost upon the property served by such connection.
(Ref. 18-1748 RS Neb.) (Amended by Ord. No. 429, 8/14/84)

§ 3-813 MUNICIPAL SEWER DEPARTMENT; FEES AND COLLECTIONS.

The Governing Body has the power and authority to fix the rates to be paid by the customers of the Sewer Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall have the duty of collecting the rental fees of the customers of the Sewer Department quarterly on the first (1st) day of January, April, July, and October. If a customer shall for any reason order the service discontinued or shall vacate the premise, the amount due under the terms of this Article, together with any rental fees and charges in arrears, shall be considered as a delinquent sewer rental which is hereby declared to be a lien upon the premise or real estate for which or from which the sewer was used or supplied, and upon the refusal of the customer to pay the said delinquent sewer rental, it shall be collected by being placed upon the assessment roll and tax books for collection. Charges shall be delinquent twenty (20) days after the due date.

(Ref. 17-925.01 thru 17-925.04 RS Neb.)

§ 3-814 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION.

The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; Provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

(Ref. 17-925.02 RS Neb.)

§ 3-815 MUNICIPAL SEWER DEPARTMENT; SERVICE DEPOSIT.

The Governing Body, in its discretion, may require a service deposit from any or all customers of the Municipal Sewer Department in a sum set by resolution and filed in the office of the Municipal Clerk for public inspection at any reasonable time. From the said fund shall be deducted all delinquent sewer charges. The deposit shall be collected by the Municipal Clerk who shall immediately turn the same over to the Municipal Treasurer who shall keep the deposit in a trust fund for customers of the Sewer Department. The said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property belonging to the Municipal Sewer Department.

(Ref. 17-925.01 RS Neb.)

§ 3-816 MUNICIPAL SEWER DEPARTMENT; OLD HOUSE SEWERS.

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

(Ref. 17-149 RS Neb.)

§ 3-817 MUNICIPAL SEWER DEPARTMENT; 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 premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Sewer Commissioner who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that period of time until the Sewer Commissioner is otherwise advised of such circumstances.

(Ref. 17-149 RS Neb.)

§ 3-818 MUNICIPAL SEWER DEPARTMENT; 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 Municipal Sewer System: (1) Liquids or vapors having a temperature higher than one hundred fifty (150) degrees F; (2) Water or waste which may contain more than one hundred (100) parts per million by weight of fat, oil, or grease; (3) Gasoline, benzene, naphtha, fuel oil, or other flammable 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 Municipal Sewer capable of creating a public nuisance.

(Ref. 17-145 RS Neb.)

§ 3-819 MUNICIPAL SEWER DEPARTMENT; SPECIAL EQUIPMENT.

In the event that a customer of the Municipal Sewer Department discharges an unusually large amount of wastes daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand the Sewer Commissioner 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 shall prescribe subject to the review of the Governing Body. 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 Sewer Commissioner and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other charges.

(Ref. 17-149 RS Neb.)

§ 3-820 MUNICIPAL SEWER DEPARTMENT; TEST.

All measurements, tests, and analysis of the characteristics of wastes and waters carried by the Sewer System shall be made in accordance with the provisions in Standard Methods for the Examination of Water and Sewage printed in book or pamphlet form which is hereby incorporated by reference in addition to all amended editions as though printed in full herein.
(*Ref. 17-149 RS Neb.*)

§ 3-821 MUNICIPAL SEWER DEPARTMENT; MANHOLES.

Entrance into a manhole or opening the same 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.
(*Ref. 17-149 RS Neb.*)

§ 3-822 MUNICIPAL SEWER DEPARTMENT; INSPECTIONS.

The Sewer Commissioner or his authorized agents, shall have free access between the hours of eight (8:00) o'clock A.M. and six (6:00) o'clock P.M. to all parts of each premise and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this Article therein.
(*Ref. 17-149 RS Neb.*)

§ 3-823 MUNICIPAL SEWER DEPARTMENT; SERVICE TO NON-RESIDENTS.

Any person whose premise is located outside the corporate limits of the Municipality and who desires to install a house or building sewer that will be connected with the Municipal Sewer System, shall file a written application with the Sewer Commissioner 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 Sewer Commissioner may require.
(*Ref. 17-149, 19-2701 RS Neb.*)

§ 3-824 SANITARY SEWERAGE SYSTEM; LIEN UPON THE PREMISES.

All sewer use charges prescribed by the Ordinance shall be a lien upon the premises and real estate for which the sewer service is supplied and used, and if not paid when due such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law from the owner or the person, firm or corporation requesting the service or it may be certified to the Polk County Treasurer and assessed against the premises served and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned. Bills for the sewer use charges made by this Ordinance shall be rendered on the first day of each month and all sewer use charges levied by this Ordinance which are not paid within twenty (20) days, shall be deemed to be delinquent and the water service of such consumer may be discontinued.
(*Ord. No. 491, 6/28/88*)

§ 3-825 SEWER MAIN EXTENSIONS.

(1) All requests for extension and/or additions to the existing Municipal sewer main shall be in writing to the Municipal Clerk upon forms to be furnished by the Clerk.. The Governing Body shall not be required to extend the existing Municipal sewer main unless a majority of the Governing Body deem it in the best interests of the Municipality and provided that adequate funds have been budgeted for such capital improvements and are available for construction of an extension to the existing Municipal sewer main.

(2) Upon a properly completed request for sewer main extension and/or addition, the Municipality shall cause its engineer to estimate the cost of construction from the location of the property to be served by the new sewer line to the point of connection to the existing main at a point where it would be most cost effective, taking into consideration all factors of construction and the location shall be determined in the best interest of the City. The engineer shall report to the Governing Body within one month from the date the application was properly submitted to the Municipal Clerk.

(3) In the event, after receiving the engineer's estimate, the Governing Body deems it in the best interest of the Municipality to extend the existing Municipal sewer main and adequate funds for said purpose have been budgeted and are available in the present fiscal year, the Governing Body shall cause the improvements to be made. The costs for the extension of existing Municipal sewer main shall be allocated as follows:

(a) Extension for a residential service up to 300 feet shall be borne by the City.

(b) Extension for residential service in excess of 300 feet shall be paid two-thirds by the property owner and one-third by the City with the cost of extension of the first 300 feet being borne entirely by the City.

(c) Extension of the Municipal sewer main to a developer, who shall be defined as an individual or entity owning more than one lot upon which they desire to improve with new single family or multi-family residential construction, shall for the first 600 feet be paid by the City. However, in the event that less than 50 percent of the residential lots owned by the developer and abutting the construction of the sewer main as extended are not improved by the construction of a single family or multi-family residence within two years from the completion of the extension of the sewer main, then the developer shall be responsible for payment to the City for two-thirds of the cost of the extension of the Municipal sewer main in excess of the first 300 feet. A developer shall be required to pay two-thirds of the cost of the extension of the existing sewer main for all extensions in excess of 600 feet, with the Municipality paying the entire cost for the first 600 feet. A developer who does not improve at least 50 percent of the lots available for residential construction within two years of the completion of the sewer main shall be required to also pay to the City two-thirds of the costs in excess of 300 feet.

(d) For extension of the Municipal sewer main for new business, commercial and industrial consumers the allocation of costs shall be determined by the Municipality at the time application is made therefore. The factors used by the Governing Body to determine the portion of the cost paid by the business, commercial or industrial property owner shall include, but not be limited to:

- (i) Size of the proposed business, including number of jobs created;
 - (ii) The amount of taxable assessed value of the property after construction of any improvements thereon;
 - (iii) The estimated revenue to be paid by the business, industrial or commercial user.
- (e) Costs of construction shall include but not be limited to labor, materials, engineering and legal expenses incurred in connection with the sewer main extension.

(4) Prior to the commencement of construction of an extension to the existing Municipal sewer main, the Municipality shall require the property owner to make a deposit of 110 percent of the owner's share of the estimated costs of construction, as defined above. If the actual cost upon completion of the project is less than the amount deposited, the difference shall be immediately refunded, without interest, to the property owner. In the event the actual cost of construction upon completion is greater than the amount of the deposit, the property owner shall immediately pay the difference to the Municipality.

(5) Nothing herein shall prohibit the Municipality from causing the construction and/or addition to the existing Municipal sewer system entirely at Municipal expense; provided, however, that the Governing Body shall first determine, prior to any such construction, that the addition or extension shall be a benefit to the Municipality as a whole and not to any particular owner of property. In addition, nothing herein shall prohibit the Municipality from constructing additions to the Municipal sewer main under any other method authorized by state law.

(6) The reimbursement to property owners paying one hundred percent (100 %) of the cost of sewer main extension as provided by Ordinance No. 538, adopted on February 13, 1990, shall be extended for a period to include thirty (30) years from the final payment of the sewer construction. The formula for reimbursement shall be as provided in Ordinance No. 538. (*Ord. No. 538, 2/13/90*) (*Amended by Ord. Nos. 723, 5/27/97; 800, 6/8/99*)

§ 3-826 MUNICIPAL SEWER DEPARTMENT; SEWER USER CHARGE.

(1) *User Charge.* There is hereby established a sanitary sewer use charge against each lot, parcel of land or premises served by said sanitary sewerage system, or which may otherwise discharge wastewater, either directly or indirectly, into such sanitary sewerage system or any part thereof.

(2) *Definitions.*

CONSUMER. As used in this section to include all users of the Municipal sanitary sewerage system of the City including all persons, firms, or corporations whose premises are served thereby and all owners and tenants of real estate and buildings connected with said sanitary sewerage system or served thereby, and all users of said system who in any way use the same or discharge wastewater or other liquid directly or indirectly, into the sanitary sewerage system of the City of Stromsburg, Nebraska.

Consumers shall be classified as RESIDENTIAL, COMMERCIAL and INDUSTRIAL.

1. RESIDENTIAL CONSUMERS shall mean one- and two-family dwellings.
2. COMMERCIAL CONSUMERS shall mean multifamily apartment buildings and nonresidential, non-industrial business enterprises.
3. INDUSTRIAL CONSUMERS shall mean manufacturing and processing establishments.

(3) *Sewer Rate Schedule.* The following monthly customer charges for all sanitary sewer service within the City limits shall be in effect from and after April 1, 2013, as herein provided:

<i>WATER METER SIZE (Inches)</i>	<i>MONTHLY CUSTOMER CHARGE</i>
1 ¼ and less	\$20.37
1½	\$33.81
2	\$54.08
2½	\$81.65
3	\$104.79
4	\$180.31
6	\$340.20

All customer charges are based upon the rate of \$20.37 for one-inch meter.

(4) *Consumption Charge.*

(a) In addition to the monthly customer charge, all consumers within the City limits shall pay a consumption charge based on the water consumption at the premises at the rate of \$4.47 per one thousand (1,000) gallons based upon the water consumption at the premises for the meter readings between December 25 and March 25 of each year which shall be considered the "base period". In the event a residential sewer customer moves during the calendar year, the consumption portion shall be determined by the usage at the previous residence or the previous residence and current residence if the move occurred between December 25 and March 25. In the event of a new sewer user, because of new construction or a new customer who moved into an existing residence, the minimum monthly consumption portion shall be \$17.85 until usage between December 25 and March 25 is established. New business/commercial sewer accounts shall be determined by the usage of the previous owner or occupant. New business/commercial users with no usage for the base period shall be assessed a monthly consumption charge of \$28.35 until usage between December 25 and March 25 is established.

(b) The consumption charge for business/commercial users who are closed to the general public for more than thirty (30) days between December 25 and March 25 shall be determined by water usage during the spring quarter from March 25 through June 25. The consumption charge for residential users using less than five hundred (500) gallons of water during the period between December 25 and March 25 shall be determined by the water consumption between March 25 and June 25. In the event of a water meter malfunction during the base period, the consumption charge shall be determined by the usage for the base period for the previous year. Customers with no prior year history shall pay the monthly consumption charge as set forth herein until an accurate base period can be established.

(c) The consumption charge for users outside the City limits shall be \$6.24 per one thousand (1,000) gallons and base usage shall be determined as inside City limit customers until a consumption charge can be established. The consumption charge of users outside the City limits shall be \$48.34 until a minimum is established.

(d) There shall be a waiver of the consumption charge for residential, commercial and industrial consumers when the premises served by the sanitary sewer service have become vacant. For purposes of determining the monthly consumption charge, the premises shall be deemed to be vacant when the monthly water consumption serving such premises is five hundred (500) gallons or less. The waiver of the monthly consumption charge shall become effective for the next billing period subsequent to the billing period in which the water usage is five hundred (500) gallons or less. The consumption charge shall be reinstated to the previous monthly minimum when the property becomes occupied or the monthly water consumption is five hundred (500) gallons or more.

(5) *Surcharges.* The City shall have the right to increase the sanitary sewer monthly charges when it is determined that the strength of a consumer's wastewater is significantly greater than other consumers. The City may require any consumer to, at their expense, provide flow measurement and sample analysis of their wastewater. All such surcharges shall be arrived at by establishing a base rate per pound for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) and Ammonia, and comparing the consumer's wastewater strength and volume to the base rate. A surcharge shall be added at the rate of \$.32 per pound when the BOD is in excess of 250 mg./liter and at the rate of \$.32 per pound when TSS is in excess of 300 mg./liter of suspended solids, and at the rate of \$.74 per pound for Ammonia Nitrogen when it is in excess of 25 mg./liter.

(6) *Outside City Limits.* For service by municipal sanitary sewerage system outside the corporate limits of the City of Stromsburg, Nebraska, the consumer shall pay a rate which is one and one-half (1.5) times the amount such consumer would pay if they were located in the City limits including the monthly customer charge and tapping fee.

(7) *Tapping Fee.* For each new connection or tap made to the existing sanitary sewer main, the applicant for such new connection shall pay a tapping fee in the amount of \$100, which shall include the cost of the tapping saddle.

(8) *Determination of Inequitable and Unfair Rates.* Where, in the judgment of the City Council, by reason of special conditions, the application of the use charges hereinbefore set forth would be

inequitable or unfair to either the City or the user, a special rate may be established by contract or by resolution, duly passed and approved by the City Council, City of Stromsburg, Nebraska. To assist the City Council in determining whether or not special conditions exist, any consumer shall, upon request of the City, provide a satisfactory means of measuring the sewage flow from the consumer and obtaining a representative sample of the sewage.

(9) *Rate Saving Clause.* If for any reason, any of the rates of any user hereinbefore set forth should be invalid or unenforceable, the City shall be entitled to receive and collect from such use a reasonable rate or charge for the use of its sanitary sewerage system, the same to be collected in an action by law.

(10) *Private Water Supply.* Sanitary sewer users having a private water supply which is discharged into the sanitary sewerage system shall be billed at the same rate as that applied to like customers having the City water supply.

(11) *Lien on Premises.* All sewer use charges prescribed by this section shall be a lien upon the premises and real estate for which the sewer service is supplied and used, and if not paid when due, such charge shall be certified to the City Treasurer and may be recovered by the City in an action at law from the owner or the person, firm or corporation requesting the service or it may be certified to the Polk County Treasurer and assessed against the premises served and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned. Bills for the sewer use charges made by this section shall be rendered on the first day of each month and all sewer use charged levied by this section which are not paid within within fifteen (15) days, shall be deemed to be delinquent and the water service of such consumer may be discontinued.

(12) *Just and Equitable.* The Mayor and the City Council find and determine that the sewerage charges established by this section are just and equitable rates and charges to be paid to the City for the use of such sanitary sewerage system and sewage disposal plant by each person, firm or corporation whose premises are served thereby.

(13) *Multiple Users.* In the event that more than one (1) dwelling unit, commercial establishment or other separate entity sewer users are supplied through the same sanitary sewer line, the owner of the premises shall pay one (1) minimum, at the water meter size rate, and the consumption charge based upon the usage during the period from December 25 to March 25.

(14) *Effective Date.* The sewer use charges imposed by this section shall commence after April 1, 2013.

(15) *Delinquent Date.* The cost of utility usage shall be due and payable by the fifteenth (15th) of the month in which billing is received. Any payments made after the fifteenth (15th) of the month shall be subject to an additional charge of five percent (5%). (*Ord. No. 758, 8/25/98*) (*Amended by Ord. Nos. 941, 3/22/05; 960, 11/22/05; 1067, 3/11/13*)

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§ 3-826.01 MUNICIPAL SEWER DEPARTMENT: CHARGES FOR CONSUMERS WITH NO PRIOR HISTORY.

(1) *Consumption Charge.* Consumers with no prior usage history shall pay in addition to the monthly customer charge imposed by section 3-826, a monthly consumption charge in the amount of fifteen dollars (\$15.00) for residential consumers and twenty-five dollars (\$25.00) for commercial/ industrial consumers.

(2) *Customer Charge.* All other provisions of section 3-826, including the monthly customer charge shall apply to consumers with no prior usage history.

(3) *Effective Date.* The sewer use charges imposed by this section shall commence September 25, 2005. (*Ord. No. 961, 1/24/06*)

§ 3-827 MUNICIPAL SEWER DEPARTMENT; REMOVAL OF EXISTING SEWER SERVICE.

(1) In the event that it becomes necessary to remove an existing sewer service line from operation for any reason whatsoever, an application to remove the service shall be made to the Municipal Sewer Commissioner. The work shall be performed by the Municipal Sewer Commissioner or persons authorized by him only after approval of the application. The service line shall be disconnected as close to the main as is practical, taking into consideration the location of existing sewer mains under paved streets.

(2) A removal of service fee of one hundred fifty dollars (\$150.00) shall be paid in advance by the property owner and the work shall not be started until said fee is paid and application approved.

(3) Said fee shall be credited to the consumer upon receipt of an application for service within eighteen (18) months of the date of removal of service. The credit shall not be transferable to a subsequent property owner. (*Ord. No. 953, 8/23/05*) (*Amended by Ord. No. 1033, 8/22/11*)

§ 3-828 MUNICIPAL SEWER SYSTEM; BUILDING MOVING, REMODELING, CONSTRUCTION OR DEMOLITION.

Should any house, building, or other structure moving, remodeling, construction or demolition occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or sewer lines of the Municipal Sewer System, the same should not be done except on the written permission received from the Sewer Commissioner. The Sewer Commissioner shall then order paid in advance the actual cost of moving the said sewer lines and such costs shall be paid by the applicant prior to the moving of the building, house or other structure. All expenses of removing, changing and replacing said sewer lines or apparatus of the sewer system shall be paid out of the deposits made prior to the moving, remodeling, construction or demolition and any surplus remaining after all expenses are paid shall be

returned to the applicant, provided that in the course of said moving, remodeling, construction or demolition of the house, building or other structure it becomes apparent to the Sewer Commissioner that additional expenses will be incurred, he shall have the authority to demand such additional deposit as he deems necessary. (*Ord. No. 949, 8/23/05*)

ARTICLE 9: ELECTRICAL SYSTEM

§ 3-901 MUNICIPAL ELECTRICAL SYSTEM; OWNERSHIP.

The Municipality owns and operates the Municipal Electrical System through the Light Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electrical System shall each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electrical Fund and shall remain in the custody of the Municipal Treasurer. The Light Commissioner shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his office. The Light Commissioner shall have the authority to adopt rules and regulations for the safe and efficient management of the Electrical System subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time.

(Ref. 17-902 thru 17-904, 17-906, 17-909 RS Neb.)

§ 3-902 MUNICIPAL ELECTRICAL SYSTEM; CONSUMER'S APPLICATION.

Every person or persons desiring electrical service must make application therefor to the Municipal Clerk upon the blanks to be furnished by him for that purpose. The Municipal Clerk may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Electricity may not be supplied to any house or building except upon the written order of the Light Commissioner. The System shall not supply to any person outside the corporate limits electrical service without special permission from the Governing Body; Provided, that the entire cost of wire, installation, and other expenses shall be entirely paid by the consumer. Nothing herein shall be construed to obligate the Municipality to supply electrical service to non-residents.

(Ref. 17-902 RS Neb.)

§ 3-903 MUNICIPAL ELECTRICAL SYSTEM; LICENSED ELECTRICIAN.

Under no circumstances shall connections be made between the wires of the electrical distribution system of this Municipality and the meter of the consumer, except by an employee of the Municipality or a licensed electrician authorized to do so by the Light Commissioner. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All wiring, equipment, and apparatus shall be installed according to the electrical code duly adopted by the Municipality. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Light Commissioner and

Building Inspector; Provided, that such rules, regulations, and specifications have been reviewed and approved by the Governing Body.

(Ref. 17-902 RS Neb.)

§ 3-904 MUNICIPAL ELECTRICAL. SYSTEM; INSTALLATION EXPENSES.

The expense of installation and equipment up to and including the electrical meter shall be paid by the Municipality. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner.

(Ref 17-902 RS Neb.)

§ 3-905 MUNICIPAL ELECTRICAL SYSTEM; METERS.

All electrical meters shall be read at least one (1) time each month between the nineteenth (19th) day during which electrical service is used and the first (1st) day of the succeeding month. In the event that a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the Municipal Clerk shall use the six (6) month average of the season one (1) year previous to such breakage for billing purposes.

§ 3-906 MUNICIPAL ELECTRICAL. SYSTEM; FEES AND COLLECTIONS.

The Governing Body has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall bill the consumers and collect all money received by the Municipality on the account of the Municipal Electrical System.

(Ref. 17-902 RS Neb.)

§ 3-907 MUNICIPAL ELECTRICAL SYSTEM; MINIMUM RATES.

All electrical consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Light Commissioner to shut off the electricity in which case he shall not be liable thereafter for electrical service until the electricity is turned on again.

(Ref. 17-902 RS Neb.)

§ 3-908 MUNICIPAL ELECTRICAL SYSTEM; SERVICE DEPOSIT FUND.

The service deposit required for electrical service shall be promptly paid upon demand by all customers of the Electrical System. From the said deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the Light Commissioner and immediately turned over to the Municipal Treasurer who shall keep the said fees in a trust fund for the customers of the Electrical System. Said fund shall be put out at interest separate and apart from other funds. Interest arising

therefrom shall be expended solely for the repair of equipment and property of the Municipal Electrical System.

§ 3-909 MUNICIPAL ELECTRICAL SYSTEM; DELINQUENT PAYMENTS.

Electrical fees shall be due and payable monthly at the office of the Municipal Clerk. If said fees are not paid within twenty (20) days after the same become due, the electricity will be turned off in compliance with section 3-1141 and not turned on again until all back fees and charges are paid, including any penalty charge which the Governing Body may, by resolution, prescribe.
(Amended by Ord. No. 326, 9/13/79)

§ 3-910 MUNICIPAL ELECTRICAL SYSTEM; RESTRICTED USE.

The Municipal Electrical System does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Light Commissioner has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.
(Ref. 17-902 RS Neb.)

§ 3-911 MUNICIPAL ELECTRICAL SYSTEM; ELECTRICAL SERVICE CONTRACTS.

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

§ 3-912 MUNICIPAL ELECTRICAL SYSTEM; BUILDING MOVING, REMODELING, CONSTRUCTION OR DEMOLITION.

Should any house, building, or other structure moving, remodeling, construction or demolition occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the Municipal Electrical System, the same should not be done except on the written permission received from the Electric Commissioner. The Electric Commissioner shall then order paid

in advance the actual cost of moving the said wires and such costs shall be paid by the applicant prior to the moving of the building, house or other structure. All expenses of removing, changing and replacing said wires or apparatus of the electrical system shall be paid out of the deposits made prior to the moving, remodeling, construction or demolition and any surplus remaining after all expenses are paid shall be returned to the applicant, provided that in the course of said moving, remodeling, construction or demolition of the house, building or other structure it becomes apparent to the Electric Commissioner that additional expenses will be incurred, he shall have the authority to demand such additional deposit as he deems necessary. *(Amended by Ord. No. 946, 8/23/05)*

§ 3-913 MUNICIPAL ELECTRICAL SYSTEM; POSTING SIGNS.

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the Municipal Electrical System any sign, poster, advertisement, or banner without written permission from the Light Commissioner.

§ 3-914 MUNICIPAL ELECTRICAL SYSTEM; TRIMMING TREES.

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

§ 3-915 MUNICIPAL ELECTRICAL SYSTEM; INSPECTIONS.

The Light Commissioner or his duly authorized agents shall have free access between the hours of eight (8:00) o'clock A.M. and six (6:00) o'clock P.M. to all parts of each premise and building to or in which electricity is supplied; Provided, that in the event of an emergency, such inspections may take place at anytime.

(Ref. 17-902 RS Neb.)

§ 3-916 MUNICIPAL ELECTRICAL SYSTEM; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Electrical System.

(Ref. 28-512 RS Neb.)

§ 3-917 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT REBATE; WATER HEATERS AND AIR CONDITIONERS.

For all consumers who have installed a load management device, and provided that said device shall be in working order, said consumer shall receive a credit in the amount of three dollars (\$3.00) monthly in the case of a load management device controlling a water heater and a credit of one dollar (\$1.00) monthly for a load management device controlling a central air conditioning unit. The credit shall apply only in the event the load management devices are properly installed and in, working order. In case of the removal of the load management control device, the credit shall be prorated based on the number of days which the load management device was installed and in proper working order during the last month's billing cycle. (*Ord. No. 788, 2/23/99*)

§ 3-918 MUNICIPAL ELECTRIC DEPARTMENT; REMOVAL OF EXISTING ELECTRIC SERVICE.

(1) In the event that it becomes necessary to remove an existing electric service line from operation for any reason whatsoever, an application to remove the service shall be made to the Municipal Electric Commissioner. The work shall be performed by the Municipal Electric Commissioner or persons authorized by him only after approval of the application. The service line shall be disconnected in accordance with the provisions of the National Electric Safety Code.

(2) A removal of service fee of seventy-five dollars (\$75.00) shall be paid in advance by the property owner and the work shall not be started until said fee is paid and application approved.

(3) Said fee shall be credited to the consumer upon receipt of an application for service within eighteen (18) months of the date of removal of service. The credit shall not be transferable to a subsequent property owner. (*Ord. No. 950, 8/23/05*) (*Amended by Ord. No. 1033, 8/22/11*)

§ 3-919 MUNICIPAL ELECTRIC DEPARTMENT; LINE EXTENSION POLICY; 3-PHASE ELECTRIC SERVICE.

(1) In the event of a consumer request for an upgrade to 3-phase electrical service in place of the single phase service currently being delivered to the customer, the cost of upgrade shall be shared between the City and the customer. The estimated annual revenue for the upgraded service shall first be determined based upon historical load and projected load with any additional equipment installed at the premises. The City shall pay an amount equal to three (3) times the estimated annual revenue from the new 3-phase service based on electric rates in effect at the time and the customer shall pay the excess costs for the upgrade.

(2) At the time of application for 3-phase electrical service, the City shall cause an estimate of the annual revenue and costs of construction to be determined and shall transmit those to the customer. The customer will pay the amount in excess of three (3) times the estimated annual revenue to the City prior to the commencement of construction of the 3-phase electric service. (*Ord. No. 1052, 7/9/12*)

ARTICLE 10: GAS DEPARTMENT

§ 3-1001 MUNICIPAL GAS DEPARTMENT; OWNERSHIP.

The Municipality owns and operates the Municipal Gas Department through the Gas Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Gas Department shall 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 Gas Fund and shall remain in the custody of the Municipal Treasurer. The Gas Superintendent shall have the direct management and control of the Municipal Gas Department and shall faithfully carry out the duties of his office. The Gas Superintendent shall have the authority to adopt rules and regulations for the safe and efficient management of the Gas Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time.

(Ref. 17-908, 17-909 RS Neb.)

§ 3-1002 MUNICIPAL GAS DEPARTMENT; CONSUMER'S APPLICATION.

Any person wishing to connect with the Municipal Gas Distribution System must make an application therefor to the Municipal Clerk upon the blanks to be furnished by him for that purpose. The Municipal Clerk may require any applicant to make a service deposit in such amount as he may deem necessary subject to the review of the Governing Body. Gas service may not be supplied to any house or building except upon the written order of the Gas Superintendent. The Department shall not supply to any person outside the corporate limits gas service without special permission from the Governing Body; Provided, that the entire cost of pipe and other installation charges shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide gas service to non-residents.

§ 3-1003 MUNICIPAL GAS DEPARTMENT; INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the 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 twenty-four (24) hours or more, the Gas Superintendent shall have the duty to finish or correct the work

and all expenses so incurred shall be charged to the consumer. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed by the Gas Superintendent; Provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

§ 3-1004 MUNICIPAL GAS DEPARTMENT; LICENSED PLUMBER.

It shall be unlawful for any person, firm, or corporation to engage in or conduct the business of gas connection, excavate any trenches for gas pipe, open, uncover, or in any manner make connection with or lay any gas pipe, or attach to, modify, or repair any appurtenances thereto without holding a Municipal Plumber's License and without complying with the rules and regulations of the Gas Superintendent; Provided, that nothing herein shall be construed to apply to persons, firms, or corporations under special contract with the Municipality for the construction, extension, or repair of the Municipal Gas Distribution System.

§ 3-1005 MUNICIPAL GAS DEPARTMENT; PLUMBER'S LIABILITY.

The licensed plumber who connects with the Municipal Gas Distribution System shall be held responsible for any damage he may cause to the gas line or the public ways and property. He shall restore to the complete satisfaction of the Gas Superintendent all streets that he has excavated and make good any settlement of the ground or pavement caused by his excavations.

§ 3-1006 MUNICIPAL GAS DEPARTMENT; INSTALLATION EXPENSE.

The expense of installing gas service to the gas meter shall be paid by the Municipality. The consumer shall then pay the cost of installation and pipe from the meter to the place of disbursement. The cost of the meter and installation thereof shall be paid by the Municipality. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring gas from the meter to the place of disbursement.

§ 3-1007 MUNICIPAL GAS DEPARTMENT; REPAIRS AND MAINTENANCE.

The Municipality shall pay the expense of repairs and replacements of the gas pipe from the main to and including the gas meter. All repairs to the pipe and appurtenances leading from the meter to the point of disbursement shall be paid by the consumer. Maintenance of the remainder of the Municipal Gas Distribution System shall be the responsibility of the Municipality.

§ 3-1008 MUNICIPAL GAS DEPARTMENT; METERS.

The Gas Superintendent shall read, or cause to be read, at least one (1) time each month the gas meters between the nineteenth (19th) day during which service is used and the first (1st) day of the succeeding month. In the event that a meter is broken or otherwise fails to register accurately the use of gas by any consumer, the Municipal Clerk shall use the six (6) month average of the season one (1) year previous to such breakage for billing purposes.

§ 3-1009 MUNICIPAL GAS DEPARTMENT; FEES A COLLECTIONS.

The Governing Body has the power and authority to fix the rates to be paid by gas consumers for the use of gas. All rates shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall bill the consumers and collect all money received by the Municipality on the account of the Municipal Gas System.

§ 3-1010 MUNICIPAL GAS DEPARTMENT; MINIMUM RATES.

The following rates shall be in effect for meter readings on or after December 1, 2007 and said rate for each classification shall not exceed the following schedule, except by the amount of the Purchased Gas Adjustment:

(1) RESIDENTIAL FIRM GAS SERVICE. Firm gas service is defined as gas service that is supplied on a non-interruptible basis. Firm gas service and rates for the same shall be made available to all domestic customers whose maximum requirements are less than five hundred (500) cubic feet per hour, or more than five hundred (500) cubic feet when approved by the City.

Rate per CCF

.....
.....
.....

Gas
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(2) COMMERCIAL FIRM GAS SERVICE. Commercial gas service is defined as gas service that is supplied on a non-interruptible basis, Commercial gas service and rates for the same shall be made available to all commercial customers whose maximum requirements are less than five hundred (500) cubic feet per hour or more than five hundred (500) cubic feet when approved by the City.

Rate per CCF

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Gas
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(3) PURCHASED GAS ADJUSTMENT (PGA) AND TRANSPORTATION CHARGES.

(a) Rates paid by the City to its suppliers of natural gas are based on production costs, said rate being subject to monthly fluctuations representing changes in the actual cost of production by these suppliers to the City. Actual billing to consumers shall be adjusted monthly to reflect their proportionate share of gas purchased by the City and all such adjustments, to be known as a Purchased Gas Adjustment (PGA). The actual billing to the consumers shall be adjusted monthly to reflect their proportionate share of purchased gas charges.

(b) The adjustment shall be calculated by taking the total billed PGA from the City's wholesale natural gas supplier divided by the units purchased for the month. An example calculation is included below for reference purposes only:

Total Monthly PGA from NPGA	\$ 9,000
Gas (CCF's) Sales for Month	\$30,000
PGA Factor Next Month	0.0300

(c) Unit sales fluctuate on a month-by-month basis and the calculation uses total monthly gas sales. The City will periodically true up the Purchased Gas Adjustment and credit or bill customers the difference between the under collected or over collected amount.

(4) PAYMENT DUE DATE. The cost of utility usage by the consumer shall be due and payable by the fifteenth (15th) of the month in which billing is received. Any payments made after the fifteenth (15th) of the month shall be subject to an additional charge of five percent (5%) of the balance due. Gas Service shall be discontinued to those consumers who remain unpaid after payments become due according to the laws of the State of Nebraska. A disconnection charge of twenty (\$20.00) dollars shall be assessed against said consumer; service shall be reconnected upon full payment, and a charge of twenty (\$20.00) shall be assessed against said consumer for such reconnection.

(Amended by Ord. Nos. 818, 6113/00; 823, 3127101; 876, 1/25/03; 990, 11/13/07)

§ 3-1011 MUNICIPAL GAS DEPARTMENT; DEPOSIT FUND.

The service deposit required for gas service shall be promptly paid upon demand by all customers of the Municipal Gas Distribution System. From the said deposit shall be deducted all delinquent gas charges. The service deposit shall be collected by the Municipal Clerk and immediately turned over to the Municipal Treasurer who shall keep the said fees in a trust fund for the customers of the Gas Distribution System. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the Municipal Gas Department.

§ 3-1012 MUNICIPAL GAS DEPARTMENT; DELINQUENT PAYMENTS.

Gas fees shall be due and payable monthly at the office of the Municipal Clerk. If the said fees are not paid within twenty (20) days after the same become due, the gas will be turned off, in compliance with section 3-1101, and not turned on again until all back fees and charges are paid, including any penalty charge which the Governing Body may, by resolution, prescribe.
(Amended by Ord. No. 327, 9/13/79)

§ 3-1013 MUNICIPAL GAS DEPARTMENT; RESTRICTED USE.

The Municipal Gas Department does not guarantee the delivery of gas except when it has a sufficient supply, sufficient equipment, and sufficient personnel to do so. The Gas Superintendent has the power and authority to disconnect or discontinue service to any consumer for good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer service without preliminary notice.

§ 3-1014 MUNICIPAL GAS DEPARTMENT; GAS SERVICE CONTRACTS.

Contracts for gas service are not transferable. Any person wishing to change from one (1) location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or remove from the premise where service is furnished in his name, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Gas Superintendent who shall cause the gas service to be shut off from the said premise. If the consumer should fail to give such notice he shall be charged for all gas used on the said premise until the Gas Superintendent is otherwise advised of such circumstances.

§ 3-1015 MUNICIPAL GAS DEPARTMENT; BUILDING MOVING, REMODELING, CONSTRUCTION OR DEMOLITION.

Should any house, building, or other structure moving, remodeling, construction or demolition occur or be necessary and it becomes necessary in such work to remove or disturb any of the property or pipes of the Municipal Gas Distribution System, the same shall not be done except upon reasonable written notice to and written permission received from the Gas Superintendent. The Gas Superintendent shall then order paid in advance the actual cost of moving the said pipe and other appurtenances and such cost shall be paid by the applicant prior to the moving, remodeling, construction or demolition of the building, house, or other structure. All costs and expenses of removing, changing and replacing the property of the Gas Distribution System shall be paid out of the deposit prior to such moving, construction, remodeling or demolition and any surplus remaining after all expenses are paid shall be

returned to the applicant; provided, that in the course of the moving of said building, house or other said structure it becomes apparent to the Gas Superintendent that additional expense will be incurred, he shall have the authority to demand such additional deposit as he deems necessary. (*Ord. No. 947, 8/23/05*)

§ 3-1016 MUNICIPAL GAS DEPARTMENT; INSPECTIONS.

The Gas Superintendent, or his duly authorized agents, shall have free access between eight (8:00) o'clock A.M. and six (6:00) o'clock P.M. to all parts of each premise and building to or in which gas is delivered for the purpose of examining the meter, pipes, fixtures., and other portions of the system to ascertain whether there is any disrepair or leakage of gas; provided, that in the case of an emergency, an inspection may be made at any time if proper identification is shown to the occupant, lessee, or owner of the said building or premise.

§ 3-1017 MUNICIPAL GAS DEPARTMENT; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Gas Department, 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 Gas Superintendent.

§ 3-1018 MUNICIPAL GAS DEPARTMENT; BELOW-GROUND FUEL LINES FOR NEW CONSTRUCTION PROHIBITED; CATHODIC PROTECTION REQUIRED.

(1) It shall be unlawful to construct any building, residence or other structure which may be supplied with natural gas by means of a below-ground fuel line. Below-ground fuel line shall mean a supply pipe which transports natural gas from the meter to the building,, residence or structure and enters the building, residence or structure below the surface of the ground.

(2) The owner of any existing building, residence or structure having a natural gas meter connected to a below-ground fuel line as of the effective date of this section shall be required to remove said below-ground fuel line in its entirety and to replace it with an above-ground fuel line within one year from the effective date of this section. Replacement of a below-ground fuel line shall not be necessary in the event the owner shall, within one year from the effective date of this section, cause said underground fuel line to be cathodically protected to prevent unseen corrosion, leakage and potential explosions. Cathodic protection is defined in 49 CFR 192.455 (a). Such cathodic protection must be done under the supervision of the Municipal Gas Department within one year from the effective date of this section.

(3) All gas meters shall be located on the outside of any building, residence or other structure. In the event a gas meter becomes enclosed due to an addition or remodeling, the Municipal Gas Department shall be required to move the gas meter to the outside of the structure. In such case, the Municipal Gas Department shall have reasonable access to the meter during normal business hours and the expense of moving the meter shall be borne by the property owner.
(*Ord. No. 569, 12/10/91*)

§ 3-1019 MUNICIPAL GAS DEPARTMENT; REMOVAL OF EXISTING GAS SERVICE.

(1) In the event that it becomes necessary to remove an existing gas service line from operation for any reason whatsoever, an application to remove the service shall be made to the Municipal Gas Superintendent. The work shall be performed by the Municipal Gas Superintendent or persons authorized by him only after approval of the application. The service line shall be disconnected as close to the main as is practical, taking into consideration the location of existing gas mains under paved streets.

(2) A removal of service fee of one hundred fifty dollars (\$150.00) shall be paid in advance by the property owner and the work shall not be started until said fee is paid and application approved.

(3) Said fee shall be credited to the consumer upon receipt of an application for service within eighteen (18) months of the date of removal of service. The credit shall not be transferable to a subsequent property owner. (*Ord. No. 951, 8/23/05*) (*Amended by Ord. No. 1033, 8/22/11*)

ARTICLE 11: UTILITIES GENERALLY

§ 3-1101 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC SUBSCRIBER. Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature. (*Ref. 70-1602 RS Neb.*)

(B) No public or private utility company, including any utility owned and operated by the City, furnishing water, natural gas, or electricity at retail in this City shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility company first gives notice to any subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first-class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. If notice is given by first-class mail or electronic delivery, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days after notice is sent or given. Holidays and weekends shall be excluded from the seven (7) days. (*Ref. 70-1605 RS Neb.*)

(C) The notice required by division (A) shall contain the following information:

- (1) The reason for the proposed disconnection;
- (2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility 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 utility's 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;

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(6) A statement that the utility 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 a 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 utility within five (5) days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this division for each incidence of nonpayment of any past-due account;

(8) The cost that will be borne by the domestic subscriber for restoration of service.

(9) A statement that domestic subscriber may arrange with the utility 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 or Board of Public Works, in the case of a city utility, or the board of directors or administrative board of any other utility. *(Ref. 70-1606 RS Neb.)*

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures. *(Ref. 1607 RS Neb.)*

(E) The provisions of sections 70-1608 through 70-1614 RS Neb. shall apply to disputes over a proposed discontinuance of service.

(F) The procedures adopted for resolving utility bills by the City Council or Board of Public Works for any City utility, one (1) copy of which is 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 of this section as though set out in full.

(G) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. *(Ref. 70-1615 RS Neb.) (Amended by Ord. Nos. 406, 10/11 /83; 430, 8/14/84; 738, 7/22/97; 1149, 5/22/17)*

§ 3-1102 UTILITIES GENERALLY; DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in section 25-21,275 RS Neb. shall apply.

(B) (1) The Municipality 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 municipal utility.

The Municipality 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 Municipality 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 of reasonable calculation; or
- (b) Liquidated damages of seven hundred fifty dollars (\$750.00) if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under subdivision (2)(a) or (b), the Municipality 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 section 25-1801 RS Neb. (*Ref. 25-21,276 RS Neb.*)

(C) (1) 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.

(2) 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. *(Ref. 25-21, 277 RS Neb.)*

(D) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws. 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. 25-21, 278 RS Neb.) (Ref. 86-331.01 through 86-331.04 RS Neb.) (Ord. No. 407, 10/11/83) (Amended by Ord. No. 890, 5/13/03)*

§ 3-1103 UTILITIES GENERALLY; COST OF USAGE.

The cost of utility usage including but not limited to electricity, natural gas, water, sanitary sewer, shall be due and payable by the 15th of the month in which the billing is received. Any payments made after the 15th of the month shall be subject to a penalty charge in the amount of five percent (5 %) of the total monthly charge.
(Ord. No. 481, 11/10/87)

§ 3-1104 UTILITIES GENERALLY; DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person:

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of the Municipality, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

(2) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;

(3) To reconnect electrical, gas, or water service without the knowledge and consent of the municipality if the service has been disconnected pursuant to sections 70-1601 to 70-1615 RS Neb. or section 3-1101 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it, without the knowledge and consent of the Municipality.

(B) Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. *(Ref. 28-515.02 RS Neb.)(Ord. No. 693, 1/23/96) (Amended by Ord. No. 889, 5/13/03)*

§ 3-1105 UTILITIES GENERALLY; DENIAL OF UTILITY SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this Municipality shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings. *(Ref. 70-1601 RS Neb.) (Ord. No. 798, 5/25/99)*

§ 3-1106 UTILITIES GENERALLY; SECURITY DEPOSITS.

(A) All new consumer accounts for all utility services in the City shall pay to the City the sum of four hundred twenty-five dollars (\$425.00) as a deposit for utility usage commencing January 1, 2014 for properties with natural gas service and three hundred fifty dollars (\$350.00) for properties without natural gas service. In the event that a consumer does not wish to receive all utility services at one (1) location, the deposit shall be as follows: Sixty dollars (\$60.00) water, forty dollars (\$40.00) sewer; one hundred fifty dollars (\$150.00) electric with natural gas service; two hundred fifty dollars (\$250.00) electric for properties without natural gas service; and one hundred seventy-five dollars (\$175.00) natural gas. Said deposits must be paid in full before any utility service will be delivered to the consumer.

(B) A consumer who has paid all prior utility indebtedness at another location in the City on or before the indebtedness became due for a period of one (1) year immediately preceding the application for new utility service shall not be required to make such deposit. In addition, the consumer may provide to the City evidence of payment of natural gas, electricity, water and sewer charges for a period of one (1) year prior to the date of the application showing that all payments were made before they became due from a utility supplier other than the City. They shall also have the requirement of a utility deposit waived.

(C) All consumers who have made a utility deposit with the City shall have such deposit returned to them, upon request, provided the consumer has paid all utility indebtedness on or before the date the indebtedness is due, for two (2) years prior to the request for a refund. *(Ord. No. 789, 3/9/99) (Amended by Ord. Nos. 1007, 6/1/09; 1080, 11/25/13; 1162, 6/12/17)*

§ 3-1107 UTILITIES GENERALLY; CHARGE FOR COLLECTION OF CONSUMER PAYMENTS WHILE AT PREMISES TO SHUT OFF UTILITIES FOR NON-PAYMENT.

There shall be imposed a trip charge in the amount of twenty-five dollars (\$25.00) to any consumer for utility services when making payment for delinquent utilities to City of Stromsburg personnel who are at the premises to disconnect utilities for non-payment of services. The trip charge of twenty-five dollars (\$25.00) must be paid in addition to the past due delinquent amount to prevent the disconnection for non-payment of utility services. (*Ord. 790, 3/9/99*)

§ 3-1108 UTILITIES GENERALLY; RECONNECTION OF SERVICES; PAYMENT OF PRIOR DELINQUENT SERVICES REQUIRED.

Unless approved by the Governing Body, no applicant for utility service or services shall be connected or reconnected without first paying any deposit required and also paying any previous amounts due to the City for utility services, including disconnection and reconnection fees and penalties. This provision shall apply in the event service is applied for at the same or different location by applicant. In the event the previous delinquency has been discharged in bankruptcy, the delinquency may not be collected by the City as a condition for reconnection of services. (*Ord. No. 619, 3/8/94*)

§ 3-1109 UTILITIES GENERALLY; LOCATION AND ACCESSIBILITY OF UTILITY METERS.

All meters, including gas regulators, shall be installed and located in a readily accessible location and shall be protected from corrosion and other damages. There shall be a minimum of thirty (30) inches clearance on a minimum of two (2) sides from the electric meter, or gas meter and regulator, and any other building, structure, or other impediment. Nothing shall be attached to any meter or regulator including, but not limited to: clotheslines, chains attached to dogs or other animals, or any other material which could cause corrosion or damage to the meter or gas regulator. This provision shall also apply to remote water meter readers attached to the outside of any structure. (*Ord. No. 918, 8/10/04*)

§ 3-1110 UTILITIES GENERALLY; METER TESTING.

(1) The City shall have the right to test any and all metering equipment for the purpose of determining the accuracy of the meter. The City and its authorized personnel shall have access to the consumer's residence or other facility upon reasonable notice to the consumer.

(2) The consumer shall also have the right to require the City to test meter for accuracy, when in the opinion of the consumer, the meter equipment is not accurately reflecting the consumer's usage. In the event that after the meter testing the meter is less than five percent (5%) in excess of the actual

usage, the consumer shall pay to the City a fee of thirty-five dollars (\$35.00) for water meter testing, fifty-five dollars (\$55.00) for gas meter testing, and twenty-five dollars (\$25.00) electric meter testing. In the event that the meter exceeds five percent (5%) of the actual usage this fee shall be waived. The meter testing fee shall be paid in advance by the consumer and the fee will be refunded in the event that as a result of the test the meter exceeds five percent (5%) of the actual usage.

(3) The City shall have the right to charge an additional amount for utility services for meters which have not accurately reflected the consumer's utility usage.

(4) The City will not test meters at the consumer's request if the meter is less than five (5) years old, or a rebuilt meter placed in service less than five (5) years, unless there is reasonable suspicion to believe the meter is not accurate. (*Ord. No. 962, 2/28/06*)

ARTICLE 12: POLICE DEPARTMENT

§ 3-1201 POLICE DEPARTMENT; RESERVE OFFICER BOND.

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of two thousand dollars (\$2,000.00), payable to the City, has been filed with the Municipal Clerk by the individual appointed, or a blanket surety bond arranged and paid for by the Governing Body and bonding all such officers of the Governing Body has been filed. Such bonds shall be subject to the provisions of Chapter 11, Article 1, Nebraska Revised Statutes.

(Ref. 81-1444 RS Neb.) (Ord. No. 455, 12/9/86)

§ 3-1202 POLICE DEPARTMENT; ARREST AND ENFORCEMENT JURISDICTION.

(A) The police officers of the Municipality shall have the power to arrest all offenders against the laws of the State or of the Municipality, by day or by night, in the same manner as the County Sheriff and to keep such offenders in the Municipal Prison or other place to prevent their escape until trial can be had before the proper officer. *(Ref. 17-118 RS Neb.)*

(B) Every municipal law enforcement officer has the power and authority to enforce the laws of this State and the Municipality or otherwise perform the functions of that office anywhere within his or her primary jurisdiction.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LAW ENFORCEMENT OFFICER IN NEED OF ASSISTANCE.

(a) A law enforcement officer whose life is in danger; or

(b) A law enforcement officer who needs assistance in making an arrest and the suspect:

1. Will not be apprehended unless immediately arrested;
2. May cause injury to himself or herself or others or damage to property unless immediately arrested; or
3. May destroy or conceal evidence of the commission of a crime.

PRIMARY JURISDICTION. The geographic area within territorial limits of the Municipality.

(D) Any municipal law enforcement officer who is within this State, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this State or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

(1) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow that person into any other jurisdiction in this State and there arrest and detain that person and return that person to the officer's primary jurisdiction;

(2) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow that person anywhere in an area within twenty-five (25) miles of the boundaries of the officer's primary jurisdiction and there arrest and detain that person and return that person to the officer's primary jurisdiction;

(3) Any municipal law enforcement officer has this enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance; and

(4) If the municipality, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have this enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the Municipality shall provide liability insurance coverage for its own law enforcement personnel as provided in section 13-1802 RS Neb.

(E) When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of sections 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb., a municipal law enforcement officer has the power and authority to do any of the following or any combination thereof:

(1) Transport that person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;

(2) Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or

(3) With respect to that person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, personal watercraft, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of sections 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb. (*Ref. 29-215 RS Neb.*)

(F) If municipal law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the Municipality in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for a disaster, emergency, or civil defense emergency when that program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this State or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The Municipality shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division. (*Ref. 81-829.65 RS Neb.*) (*Ord. No. 669, 3/14/95*) (*Amended by Ord. No. 902, 1/27/04*)

ARTICLE 13: PENAL PROVISION

§ 3-1301 VIOLATION; PENALTY.

(1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars (\$500.00) A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-505, 18-1720, 18-1722 RS Neb.) (Amended by Ord. No. 817, 6/13/40)*

