# CHAPTER 7 – PUBLIC UTILITIES

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# CHAPTER 7 – PUBLIC UTILITIES

## Article 1 – Utilities Generally

### SECTION 7-101: CITY POWERS; RATE SETTING

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

### SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the city shall be required to subscribe to city utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services.

### SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to pay tap fees for water and sewer service in such amounts as set by resolution by the City Council and placed on file at the city office. A deposit shall be required of all new applicants unless the applicant is the owner of the property for which the application is being made or provides proof of 12 months of on-time payments to another utility provider to the city clerk prior to initiating services. The said deposit shall be as set by resolution by the City Council and kept on file in the office of the city clerk. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

B. There shall be three classes of building sewer permits: (A) for residential and (B) commercial service, and (C) for service to establishments producing industrial wastes. In any case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the utilities superintendent. A permit and inspection fee for a residential, commercial, or industrial building sewer permit shall be paid to the city at the time the application is filed. Said

fees shall be as set by resolution by the City Council and kept on file in the office of the city clerk. (Ord. No. 131, 6/5/75)

C. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this city shall be denied service because of unpaid bills for similar services which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings; however, a deposit may be required of any user or applicant who has made two or more late payments in the last 12 months or who has been disconnected from city utilities in the past 12 months. The said deposit shall be as set by resolution by the City Council and kept on file in the city office.
(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

## SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the city and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the water and sewer systems by a new consumer thereof and the furnishing of water and sewer service to said consumer shall constitute a contract between the consumer and the city, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the utilities superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

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

## SECTION 7-105: BILLING AND COLLECTIONS; DELINQUENCY

A. Utility bills shall be joint, monthly bills for all utilities including water, sewer and garbage pickup and stormwater and shall be due and payable at the office of the city clerk. Customer statements shall be mailed the last week of the month. Payments are due on the 15th of the month, either delivered in person or postmarked by the 15th. Late charges of 10% will be assessed between the 16th & 18th of the month. Delinquent letters will be mailed at that time. Delinquent payments are due seven days from date of delinquent letters. All charges including delinquent late fee must be paid by the end of the month.

B. Arrangements for payment can be made with the city office to avoid water shutoffs. However, payments must be made no later than the end of the month. Once water is turned off, payment must be made in full plus the reconnection fee and deposit during business hours (7:30 a.m. to 3:30 p.m.). After hours, there is an increased fee. Said fees shall be as set by resolution by the City Council and kept on file in the office of the city clerk.
(Neb. Rev. Stat. §§17-538, 17-542)

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

A. No city utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. Such notice shall include information that the subscriber upon request shall be provided a conference with the City Council.

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

C. This section shall not apply to any disconnections or interruptions of services made necessary by the city for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.
(Neb. Rev. Stat. §§70-1603, 70-1604, 70-1606, 70-1608) (Ord. No. 404, 7/7/11)

## SECTION 7-107: LIEN; PAYMENT OF PAST DUE ACCOUNTS

A. Any past due charges for utility service, any late payment penalties, and any reconnection fee shall be a lien upon the real estate to which the service is supplied. Any such charges which remain unpaid for 60 days after they become due may be, by resolution of the City Council, assessed against the real estate as a special assessment. The special assessment shall be served by the city clerk to the Scotts Bluff county clerk. The county clerk shall place the assessment on the tax rolls for collection by the county treasurer where it shall be subject to the same penalties and collected in the same manner as all other city taxes.

B. In addition to this remedy, the city shall have a cause of action against the owner and/or the occupant(s) for any unpaid charges and fees. At any time the water and/or sewer service is terminated at the request of the owner and/or occupant(s) of the real estate to which the service is supplied, service shall not be restored until connection fees, reconnection fees and all past due accounts have been paid.
(Neb. Rev. Stat. §§17-538, 17-925.01, 18-503) (Ord. No. 404, 7/7/11)

# Article 2 – Water Department

## SECTION 7-201: OPERATION AND FUNDING

A. The city operates the Water Department through the utilities superintendent, who shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The superintendent 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 mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours. The revenue from the water rates shall be known as the water fund and shall remain in the custody of the city treasurer.
(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

## SECTION 7-202: DEFINITIONS

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

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

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

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

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

## SECTION 7-203: CONNECTION TO WATER SYSTEM

A. All plumbing in or on (1) property abutting upon a street or alley or abutting or adjacent to an easement for mains and in which there is situated a main; or (2) property which itself is subject to an easement for mains, if there is situated within the area a main or lateral, it shall be connected to that main or lateral except as otherwise provided in this article.

B. If no building on the premises which requires a water supply is situated less than 300 feet from the nearest water main, and water to a building situated beyond that distance is supplied by a well on the same premises that meets the requirements of the rules and regulations of the Nebraska Department of Health that building need not be connected to the water main so long as both of these conditions continue to exist. A determination as to whether both conditions exist such that the property shall be exempt from City mandatory connection requirements shall be made by the City Engineer.

C. Should a property fail to be in compliance with this article, the City shall send written notice to the property owner, occupant or lessee of said property, and the owner, occupant or lessee of such property shall without delay cause said building to be connected with the water system and equipped with inside water facilities. Every building hereafter erected and/or sold in accordance with this article.

D. Property owners, occupants, or lessees asserting an exemption from connection to the City water mains as set forth in subsection (B) above, shale file of an application. Upon receipt, the City Engineer shall determine whether the conditions prescribed by that subsection exist and , for this purpose, may cause a survey to determined distance and test(s) of the well to be made unless the owner shall provide information which the city engineer deems sufficient. The reasonable expense of any survey and tests shall be paid by the owner to the City before a permit to defer connecting to the water main may be issued.

E. If the city engineer determines that the conditions prescribed by subsection (B) exist, and the owner shall have paid to the city the expense of a survey or test(s) of the well ordered by the city engineer, the engineer shall issue to the owner of the premises a permit to defer connecting the plumbing in the building to the water main so long as the conditions prescribed by subsection (B) continue to exist.

F. In the event that the conditions in subsection (B) above do not or cease to exist, and the property owner, occupant or lessee neglects, fails or refuses, within thirty days after notice has been given by registered mail or by publication in a newspaper of general circulation of the City, to connect to the City water system the City 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 a manner provided for collection of other special taxes and assessments.

G. The owner of any well permitted under this article shall be responsible for having the well tested by a laboratory approved by the Nebraska Department of Health at least once in each calendar year to establish that the well is in compliance with this article and to submit the results to the City. The City Engineer or his or her authorized designee shall have a right, at any reasonable time, to enter and inspect the premises and to cause tests of the well to be made for the purpose of determining whether the well is continuing to comply with the condition of subsection (B). If the City Engineer, after notice to the owner and a hearing, shall determine that the building or, as the case may be, the well has ceased to comply with the conditions in subsection (B), the City Engineer may revoke the permit and the owner shall cause the plumbing to be connected to a water main within 30 days.

H. If the premises are not located in relation to a water main as described in subsection (A) but the owner desires to have the premises connected with the city water system and application has been made and granted as provided herein, a connection may be made and granted as provided herein, a connection may be as long as it complies with applicable city ordinances and building codes as provided in Chapter 9.

*(Neb. Rev. Stat. §17-532)(Ord. No. 220, 12-4-86)*

## SECTION 7-204: METERS

A. As a condition precedent to the use of the city's water system, all water furnished to commercial water users from the city water system shall be furnished through a meter. All commercial water users using the city's water supply must be equipped with an adequate water meter furnished by the city but paid for by the commercial water user; provided, such water service may be supplied by the city at a flat rate of charge until such meter may be installed. Before any commercial water user moves in or occupies the business premises, a water meter shall be installed as required by this section or application made for such water service at a flat rate of charge until the meter can be installed.

B. Meters shall be installed in a location that will be easily accessed for the city. The commercial water user shall provide ready and convenient access to the meter or, as the case may be, the remote reader so that it may be easily examined, read and maintained by the city engineer or his or her designee. All commercial water users shall permit the city engineer or his or her designee, at all hours between 9:00 a.m. and 4:00 p.m., to enter the business premises or building for the purpose of inspecting, testing, repairing, or replacing any meter or of inspecting pipes or other fixtures. Any water meter may be taken out and tested upon complaint of the commercial water user after payment of a fee has been made. If after testing the meter is not within 3% of being accurate, it shall be repaired or replaced and the fee shall be returned to the commercial water user. Such fees shall be as set by resolution by the City Council and kept on file in the office of the city clerk.

C. The city engineer or his or her designee shall read, or cause to be read, every commercial water meter used in the city water system at such times as are necessary that the bills may be sent out at a proper time. All meters of commercial water users shall be read by the city engineer or his or her designee not less than one time during each period for which water service charges are payable. Should any meter become out of repair, fail to register properly, and/or not be readable for any other reason, the commercial water user shall be charged for the quantity of water shown by the meter reading for the corresponding period of the previous year on the same premises; provided, when no water was provided and billed for such premises for the corresponding period of the previous year, the commercial water user shall be charged on the basis of the meter readings for comparable uses during the same period in the city

D. All commercial water users shall be required to use a meter for its water service. The rates for which metered water service shall be provided are as set by resolution by the City Council and kept on file in the office of the city clerk.

E. Each commercial water user shall make application to the city engineer or his or her designee upon a form to be furnished by the city. The applicant shall also furnish any and all additional information relative to the water connection and the

plumbing in connection therewith as the city engineer or his or her designee may require. All applications must be made by the owner of the premises to which the water is to be delivered or by the owner's duly authorized agent.

F. All water meters installed by commercial water users in the water system of the city shall be ¾ inch or larger, measure in terms of gallons of water consumed, and be of a uniform standard and quality of a type and kind approved by the city engineer or his or her designee. Every commercial water user shall protect the meter against damage by freezing. If the meter shall be damaged by freezing or by the negligence or willful act or conduct of the commercial water user, the expense of repairing such dam-

age shall be charged to and paid by the commercial water user and collected in the same manner as water charges.

G. Any commercial water user, property owner or contractor desiring water for construction purposes shall make application in writing to the city engineer or his or her designee. Such water shall be supplied through a meter.
(Ord. No. 337, 5/3/01)

## SECTION 7-205: INSTALLATION; EXPENSE; TAP FEE; METER DEPOSIT

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

B. Additionally, the customer shall, at his or her own expense, bring water service from the main up to and upon his or her own premises and shall employ a licensed plumber to install water service to the place of dispersal.

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

D. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the utilities superintendent, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service from the nearest commercial main to applicant's premises.
(Neb. Rev. Stat. §17-542)

## SECTION 7-206: REPAIRS AND MAINTENANCE

A. It shall be the responsibility of the owner of a property connected to the city public water system to maintain the water service line to the property. The water service line to the property shall begin at the point where the service line connects to the "meter pit," "shutoff valve" or "curb stop" on the city service line from the water main and shall specifically include any curb stop that may exist in the line.

B. If any leak or break in any water service line occurs, the city shall have the right to immediately shut off the water supply to the premises until the leak or break has been repaired by the consumer or owner and/or repair the leak or break.

C. The owner of the affected property shall be responsible for the reasonable

costs to the city for any labor and equipment used in performing the services provided for in subsection (B). This cost shall be immediately due and payable when billed to the property owner. The city shall have a cause of action against the owner for any amounts not paid within 15 days of the due date of the bill.

D. In the event of nonpayment of the costs referred to in subsection (C) by the due date, water service may be disconnected following notice given as required by state law. Service may not be restored until the owner of the affected property has complied with the terms of any other city ordinances concerning disconnection and/or reconnection of city water service.

E. Any past due costs as referred to above shall be a lien upon the real estate to which the water service line supplies. Any such charges which remain unpaid for 60 days after the billing date may be, by resolution of the City Council, assessed against the real estate as a special assessment. The special assessment shall be certified by the city clerk to the county clerk, who shall place the assessment on the tax rolls for collection by the county treasurer, subject to the same penalties and to be collected in the same manner as other city taxes.
(Neb. Rev. Stat. §17-537) (Ord. No. 408, 10/6/11)

## SECTION 7-207: PLUMBER'S LIABILITY

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

## SECTION 7-208: WATER RATES

All water consumers shall be liable for the minimum rate provided by ordinance as provided in Section 7-101. (Neb. Rev. Stat. §§17-540, 17-542)

## SECTION 7-209: BILLING AND COLLECTIONS

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

## SECTION 7-210: RIGHT OF ENTRY FOR INSPECTION

The utilities superintendent or his duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the sys-

tem to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

## SECTION 7-211: DESTRUCTION OF PROPERTY

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

## SECTION 7-212: FIRE HYDRANTS

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

## SECTION 7-213: POLLUTION

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

## SECTION 7-214: BACKFLOW PREVENTION

A. *Definitions*. Definitions shall be as found in Ord. No. 266, kept on file in the office of the city clerk.

B. *Cross-Connections Prohibited*. No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless the cross-connections are abated or controlled according to this section and as required by state laws and the regulations of the Nebraska Department of Health.

C. *Responsibility for Implementation*. The utilities superintendent shall be responsible for the implementation of these regulations as follows:

1. If the utilities superintendent determines that an approved backflow prevention device is required for the safety of the public water supply system, then he or she shall give notice in writing to the consumer to install a device at each designated location. The superintendent shall inspect and approve all installations of the required backflow prevention devices.

2. The costs of purchasing, installing, testing, and maintaining a backflow prevention device shall be the responsibility and sole expense of the con-

sumer.

3. Annual testing of pressure vacuum breakers, double check valves and reduced pressure zone devices shall be performed by a certified backflow tester approved by the state and city.

4. If the utilities superintendent determines that maintenance or repairs are necessary, the consumer shall be contacted and issued an order to make all necessary repairs or maintenance. The consumer shall complete all installation, maintenance or repairs within 30 days after being ordered to do so. Any consumer who fails to comply with such an order shall be considered in violation of this section and will be subject to disconnection of service as provided herein.

5. The utilities superintendent shall keep a current list of all suppliers of approved backflow prevention devices and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this section.

D. *Designation of Responsible Individual*. If requested by the utilities superintendent, the consumer shall designate an individual or individuals who shall be responsible for contact and communications with the superintendent in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, recordkeeping, and reporting, as required by law and this section. Any change in assigned responsibilities or designated individuals shall be promptly reported to the utilities superintendent.

E. *Surveys and Investigations*.

1. It shall be the responsibility of the consumer to conduct or cause to be conducted periodic surveys of water use practices on his or her premises as necessary to determine whether there are actual or potential cross-connections in the consumer's water supply system.

2. The utilities superintendent shall have the authority to conduct or cause to be conducted periodic surveys and investigations, of a frequency as determined by him or her, 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 superintendent may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

3. On request by the utilities superintendent, the consumer shall furnish to him or her information on water use practices within the consumer's prem-

ises. If the consumer within a reasonable time refuses to submit the proper information or to cooperate in obtaining the proper information, the superintendent shall treat the premises as if no appropriate cross-connection survey has been completed. In that event the consumer shall be required to install an approved backflow prevention device within the time required by the superintendent.

4. The utilities superintendent shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect a premises, the superintendent shall give notice of a proposed date and time to the consumer at least 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 superintendent and arrange for another date and time for the inspection. If the superintendent and the consumer cannot agree on a date and time, then the superintendent shall treat the premises as if no appropriate cross-connection survey has been completed. In that event the consumer shall be required to install an approved backflow prevention device as required in this section or water service shall be discontinued by the utilities superintendent.

F. *Installation; Consumer's Expense*. Any required approved backflow prevention device shall be installed at a location and in a manner approved by the utilities superintendent. The consumer, at his or her sole expense, shall obtain and install the required approved backflow prevention device(s) within 30 days of notice and as directed by the superintendent.

G. *Existing Devices*. Existing backflow prevention devices approved by the city prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of this section but only if the utilities superintendent determines that the devices will satisfactorily protect the public water supply system. One-hundred-percent-closing shutoff ball valves or resilient seat gate valves for testing shall be provided on existing backflow prevention devices if deemed necessary for proper testing by the superintendent. If he or she determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

H. *Where Protection Required*. In addition to any other installations required by this section, an approved backflow prevention device shall be installed when the following conditions are found by the utilities superintendent to exist:

1. Where a substance is handled in 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 city;

2. Where internal cross-connections are not correctable in the judgment of the utilities superintendent or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

3. Where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

4. Where cross-connections have been established or re-established within the preceding three years.

5. Where there is more than one customer service connection which could constitute a potential cross-connection.

I. *Certain Facilities*. A list of certain facilities where an approved backflow prevention device is required to be installed, unless the utilities superintendent determines that no health, pollution, or system hazard to the public water supply system exists, shall be as found in Ord. No. 266, kept on file in the office of the city clerk.

J. *Type of Protection Required*. The type of protection required under this section shall depend on the degree of hazard that exists, as follows:

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

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

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

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

K. *Anti-Siphon Vacuum Breaker*. An approved anti-siphon vacuum breaker may

be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve and placed at least 6 inches above the highest point reached by any water passing through the potential source of contamination.

L. *Strainers*. The utilities superintendent may require a strainer of approved type and size to be installed in conjunction with any required backflow prevention device. The strainer shall be installed in such a manner as to preclude the fouling of the backflow prevention device due to such circumstances as water main repairs, water main breaks, fires and periodic cleaning and flushing of mains.

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

N. *Hose Bibb Vacuum Breakers*. All premises served by the public water supply shall have installed approved hose bibb (connection) vacuum breakers on all fixtures that are threaded to accept standard garden hose fittings. These include all outside sill cocks, water heater drains, utility sink faucets, and other fixtures that are determined to be a potential hazard by the utilities superintendent.

O. *Yard Hydrants*. Every yard hydrant or hose bibb which could 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 anti-siphon vacuum breaker.

P. *Underground Sprinklers*. Every underground lawn and garden sprinkler shall be equipped with an approved backflow prevention device.

Q. *Fire Suppression Systems*. All proposed installations of fire suppression systems shall be reviewed by the utilities superintendent to determine the appropriate type of backflow prevention device(s) required. In addition:

1. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical grade antifreeze. The consumer shall provide to the utilities superintendent a certification identifying the type of pharmaceutical-grade antifreeze which shall be used. Any reduced pressure vacuum breaker backflow prevention device shall be installed in an approved manner.

2. 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. An inspection by a certified fire suppression specialist shall be done prior to installation.

3. 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.

4. All existing fire suppression systems shall meet the requirements of this section.

R. *Discontinuation of Service*. Three days after mailing written notice to the consumer, the utilities superintendent shall discontinue the water service to any premises where:

1. Any backflow prevention device required herein is not installed or maintained in a manner which complies with the terms of this section;

2. It is found that the backflow prevention device has been removed or bypassed;

3. An unprotected cross-connection exists on the premises;

4. A low pressure cut-off required by the utilities superintendent is not installed and maintained in working order; or

5. The superintendent is denied entry to determine compliance.

S. *Threat to Safety; Immediate Disconnection*. The utilities superintendent shall immediately discontinue the water service to any premises, without notice to the consumer, where a cross-connection exists which constitutes an immediate threat to the safety of the public water system. Within 24 hours after an immediate discontinuation, the utilities superintendent shall send to the consumer by certified mail notice of the discontinuation.

T. *Restoration of Water Service*. Where water service has been discontinued as provided herein, it shall not be restored until the consumer has corrected or eliminated the conditions or defects to the satisfaction of the utilities superintendent.

U. *Appeal; Procedure*.

1. Whenever the utilities superintendent is to make a decision or interpretation under this section or whenever reference is made to the fact that the

utilities superintendent is to exercise judgment, the decision, interpretation or judgment shall be according to the provisions of this section and any other applicable city ordinance, along with state and federal law.

2. Any consumer aggrieved by any decision or action of the utilities superintendent may request a hearing before the City Council. The request must be in writing and shall be delivered to the city clerk no more than ten days after the decision or action in question. A request for a hearing shall stay all orders and actions until the conclusion of the hearing, except for an immediate discontinuation of water service under Subsection (S) Immediate Disconnection. The action or order of the utilities superintendent shall be presumed to be correct and the consumer shall have the burden of establishing the contrary.

3. After the hearing, the council may modify or affirm the decision of the utilities superintendent. Any appeal from the decision of the council following the hearing shall be by appropriate proceedings in the District Court. The pendency of an action in the District Court shall not delay the effective date of the utilities superintendent's decision or action unless the court shall so order.

V. *Liability and Hold Harmless*. The utilities superintendent and all city employees shall be relieved from personal liability for acts taken under this section. The city shall hold harmless the utilities superintendent and all city employees, 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 herein or by reason of any act or omission of the utilities superintendent in the discharge of his or her duties.
(Ord. No. 266, 2/4/93)

## SECTION 7-215: WELLHEAD PROTECTION AREA

“Wellhead protection area” means the surface and subsurface area surrounding a water well or well field supplying a public water system through which contaminants are reasonably likely to move toward and reach such water well or well field. The City Council has designated a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are delineated on Exhibit “A” attached to Ord. No. 416 and based upon a map prepared by the Nebraska Department of Environmental Quality Wellhead Protection Program. (Am. Ord. No. 416, 7/5/12)

## SECTION 7-216: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES

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

facilities, acts, or events shall be defined as nuisances for purposes of this section:

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

(Nebraska HHS 4/4/10

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the city or its extraterritorial jurisdiction without first having obtained the proper permit from the City Council. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the city. Such application must be presented to the council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the council must approve or deny said permit.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the city and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 (Nuisances) of this code.
(Am. Ord. No. 416, 7/5/12)

## SECTION 7-217: RESTRICTED USE

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

## SECTION 7-218: WATER EMERGENCY

A. The city deems it advisable that during periods of drought, major leak(s), system failure or excessive consumption beyond the capacity of the system, the city has the capacity to conserve and restrict water usage.

B. During times of extreme drought or other problems that would limit the availability of water, public notice of water use restrictions will be issued by the City Council.

C. This paragraph sets forth the conditions that will generally trigger the levels or stages of restrictions that will be applied if such conditions occur. The conditions that trigger various restriction stages are based upon critical source water levels or other conditions, such as an imminent loss of water or pressure. The following is a stage designation, along with the stage triggers and the restrictions that will be announced to the public.

| Stage | Stage Trigger(s) | Restrictions |
|---|---|---|
| I | Static Levels<br>Water Main Break<br>1,500,000 gpd<br>in 7 Consecutive Days | Public education<br>Voluntary conservation |
| II | Major Leak<br>Static Levels<br>1,750,000 gpd<br>in 7 Consecutive Days<br>Well Failure<br>Static Levels at 30 feet | Mandatory conservation<br>Odd/even outside water days<br>Increased public education |
| III | Major Water Main Break<br>Static Levels<br>Natural Disaster<br>2,000,000 gpd<br>in 7 Consecutive Days<br>Static Levels at 35 feet | Mandatory conservation<br>Intense public announcements<br>No outside watering<br>No car washing |

D. Notice of the restrictions set forth herein will be given by the city to its residents through publication, which shall be posted in a conspicuous place within the city and/or at the city office, as well as public announcements.

E. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in Section 7-501. In addition, in emergency situations, any noncompliance with this section by a resident of the city or a consumer user of the city utilities may have their utility service discontinued by the city.
(Ord. No. 359, 7/7/05)

# Article 3 – Sewer Department

## SECTION 7-301: OPERATION AND FUNDING

The city operates the sewer system through the utilities superintendent, who shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §17-925.01)

## SECTION 7-302: DEFINITIONS

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

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

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

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

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

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

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

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

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

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

"Sewer" shall mean a pipe or conduit for carrying sewage.
"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

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

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

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

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

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

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other similar facility intended or used for the disposal of sewage. Septic tanks may be installed only as provided in Section 7-316.

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

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.
(Ord. No. 131, 6/5/75)

## SECTION 7-304: CONNECTION TO SEWER SYSTEM

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 10 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

B. The city may furnish sewer service to persons within its corporate limits whose property line is not within 100 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide sewer service to persons whose property line is not within 100 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.
(Neb. Rev. Stat. §§17-149.01, 18-503) (Ord. No. 131, 6/5/75)

## SECTION 7-305: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for sewer service, shall pay a tap fee to the city, as provided in Section 7-103, which compensates the city for the expense of processing the application and tapping the sewer main. The utilities superintendent in his discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503) (Ord. No. 131, 6/5/75)

## SECTION 7-306: REPAIRS AND MAINTENANCE

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

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the utilities superintendent shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

## SECTION 7-307: PLUMBER'S LIABILITY

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

## SECTION 7-308: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

All installation or repair of any part of the sewerage system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the city engineer. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines. (Neb. Rev. Stat. §18-503)

## SECTION 7-309: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the utilities superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the utilities superintendent shall notify the owner to make the necessary changes to conform to the provisions of the municipal code. (Ord. No. 131, 6/5/75)

## SECTION 7-310: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503) (Ord. No. 131, 6/5/75)

## SECTION 7-311: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the utilities superintendent for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage. (Ord. No. 131, 6/5/75)

## SECTION 7-312: SEWER RATES

All sewer customers shall be liable for the minimum rate provided by ordinance as provided in Section 7-101. (Neb. Rev. Stat. §18-509)

## SECTION 7-313: BILLING AND COLLECTIONS

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

## SECTION 7-314: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system. (Ord. No. 131, 6/5/75)

## SECTION 7-315: DESTRUCTION OF PROPERTY

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 131, 6/5/75)

## SECTION 7-316: PRIVATE SEWAGE DISPOSAL; PERMIT

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

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

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the utilities superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

D. The type, capacities, location, and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

E. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 50,000 sq. ft.

F. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124 as provided in subsection (D).

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

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer or by state or federal law.
(Ord. No. 131, 6/5/75)

# Article 4 – Solid Waste

(Ord. No. 326, 5/6/99

## SECTION 7-401: DEFINITIONS

For purposes of this section, "solid waste," "hazardous waste" and "special waste" shall have the meanings as set out in the most recent regulations of the Nebraska Department of Environmental Quality.

## SECTION 7-402: COLLECTION SERVICE

The city shall provide a solid waste collection service for residential units and every institutional, business, and commercial establishment (commercial units) within the city. This service may be operated by the city or provided by agreement between the city and an independent contractor.

## SECTION 7-403: CONTAINERS; DISPOSAL

Approved containers for solid waste disposal and collection shall be provided by the city or by its independent contractor, as appropriate or as agreed upon. The point of collection for each residential unit shall be only from approved containers as located by the city or an independent contractor. The point of collection for commercial units shall be as agreed upon between the independent contractor and the operator of the commercial unit. There shall be no obligation on the part of the city or an independent contractor to collect solid waste which is not placed in the approved containers. Commercial units shall be furnished collection and disposal service according to their individual needs as determined by the operator of the commercial unit and the city or independent contractor who is specifically authorized to collect the solid waste.

## SECTION 7-404: PROHIBITED DEPOSITS

A. No person shall deposit any of the following types of solid waste in containers provided in connection with the city solid waste collection service:

1. Hazardous waste;
2. Special waste;
3. Tires;
4. Trees;
5. Household appliances; and
6. Solid waste which is not generated within the city solid waste collection service area.

B. "City solid waste collection service area" shall mean all areas within the corporate limits of the city and within the city zoning jurisdiction which are actually served by the city solid waste collection service.

## SECTION 7-405: YARD WASTE

From April 1 through October 1 of each year, yard waste shall not be deposited in containers provided in connection with the city solid waste collection service except in separate containers which are clearly marked for yard waste only. Yard waste only may be placed in those containers.

## SECTION 7-406: CONSTRUCTION; REMODELING; REPAIR PROJECTS

Solid waste generated from any building construction, remodeling or repair project shall not be deposited in containers provided in connection with the city solid waste collection service; provided, this prohibition shall not apply where the project generates less than 2 cubic yards of solid waste in a week. For purposes of this paragraph, a week shall be considered the time period from one solid waste collection day to the next. Any person affected by this section shall make arrangements for the disposal of the solid waste generated from the project so that all waste generated is deposited in a landfill licensed by the state.

## SECTION 7-407: NONRESIDENTS

The city may also provide solid waste collection service to areas outside of the city which are served by either the city water or sewer system. The rate to be charged for this service shall be the same rate as charged to residents of the city.

## SECTION 7-408: UNLAWFUL ENTRY

All solid waste deposited or existing upon or in any solid waste disposal area owned or operated by the city shall be the property of the city. No person shall enter upon such an area, dispose of any matter or thing, or carry off or in any manner disturb or molest any matter or thing deposited or existing, in or upon such an area, except with the permission and under the direction of the city or the independent contractor specifically approved by the city for such task.

# Article 5 – Penal Provision

## SECTION 7-501: VIOLATION; PENALTY

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