

ORDINANCE NO. 800

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 1, SECTIONS: 3-101 THROUGH SECTION 3-115, INCLUSIVE, ARTICLE 2, SECTIONS 3-201 THROUGH 3-245, INCLUSIVE; ARTICLE 3, SECTIONS 3-301 THROUGH 3-321, INCLUSIVE; AND ARTICLE 4, SECTIONS 3-401 THROUGH 3-405, INCLUSIVE OF THE MUNICIPAL CODE OF GOTHENBURG, NEBRASKA, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, DIRECTING PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. Chapter 3, Articles 1, 2, 3, and 4 of the Municipal Code of Gothenburg, Nebraska, are hereby amended to read as is fully set forth in attached Exhibit "A" which is incorporated herein by this reference.

Section 2. That any ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in pamphlet form or posting as required by law.

Passed and approved this 18th day of October, 2005.


CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

BY Larry Franzen
Larry Franzen, Mayor

ATTEST:


Connie Stull, City Clerk

APPROVED AS TO FORM:


Michael L. Bacon
City Attorney

Article 4. Utilities Generally

§3-401 UTILITIES GENERALLY; UTILITY BILLS; COLLECTION. Charges for water, sewer, and electric service shall be billed jointly on a monthly basis. The City Administrator shall read or cause to be read the water and electric meters by the twenty-fifth (25th) day of each month. Utility bills shall be mailed on the eighth (8th) day of each month, and shall be due and payable upon receipt. Bills not paid by the twentieth (20th) day of each month shall be deemed to be delinquent and shall be assessed a service fee as set forth in the Rate Ordinances of the City. Failure to receive a properly rendered bill will not entitle the customer relief from any penalties for late payment nor disconnection from service. Upon being deemed to be delinquent, as herein defined, the Municipality may discontinue water and/or electric service pursuant to section 3-402 of this Code. Once discontinued, service shall not be recommenced except upon payment in full of all delinquent charges and upon further payment of a reconnection fee in the amount as specified in the Rate Ordinances of the City. The Municipality may also take any action authorized by law to effect collection of the delinquent charges. (*Ref. 17-542, 18-416 RS Neb.*)

§3-402 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE; PROCEDURE.

- (1) The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within (7) days after the date that the same becomes delinquent. Before any termination, the Municipality shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services.
- (2) The notice shall contain the following information:
 - a. The reason for the proposed disconnection;
 - b. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Municipality regarding payment of the bill;
 - c. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
 - d. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
 - e. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

- f. A statement that the Municipality may not disconnect service pending the conclusion of the conference;
 - g. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Municipality within five (5) days of receiving notice under this section and will prevent the disconnection of the Municipality's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any due account;
 - h. The cost that will be borne by the domestic subscriber for restoration of service;
 - i. A statement that the domestic subscriber may arrange with the Municipality for an installment payment plan;
 - j. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
 - k. Any additional information not inconsistent with this section which has received prior approval from the Governing Body.
- (3) A domestic subscriber may dispute the proposed discontinuance of service by notifying the Municipality with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the Municipality may discontinue services.
- (4) The procedures adopted by the Governing Body for resolving utility bills, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.
- (5) This section shall not apply to any disconnections or interruptions of services made necessary by the Municipality for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. *(Ref. 70-1601 et seq. RS Neb.)*

§3-403 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY.

- (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 (\$750.00) dollars if the amount of actual damage or loss is not susceptible of reasonable calculation.
- (3) In addition to damage or loss under subdivision (a) or (b) of this subsection (2), 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 Reissue Revised Statutes of Nebraska 1943.
- (4) There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.
- (5) There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.
- (6) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies. (*Ref. 86-331.01 through 86-331.04 RS Neb.*)

§3-404 UTILITIES GENERALLY; UNIFIED DEPOSIT.

- (1) Any person desiring to use the electrical, water, or sewer service of the Municipality shall make application therefore in the office of the Municipal Clerk. Prior to any such service being connected, such person shall pay the Municipal Clerk a unified deposit securing the payment of the monthly service charge for said services, as set forth in the Rate Ordinances of the City.
- (2) In the event any of the foregoing utility services are disconnected, for any reason, the unified utility deposit shall be set off against the final bill rendered to the customer. The forgoing unified deposits shall be transferred at the request of a customer for service at a different location within the corporate limits, and shall be refunded in full after service has been provided to the same customer for a period of twelve (12) months; provided however, in the event that said customer has made three or more payments for said utilities after the due date therefore, in

any consecutive twelve month period, the City Administrator may require that such deposit be retained for an additional twelve month period.

- (3) If a customer is disconnected for non-payment, a customer may be required to pay all of their accounts in full and an additional or new deposit may also be required before service is reconnected. Said deposit shall be set in the Rate Ordinance of the City.
- (4) In addition to the foregoing unified utility deposit, the Municipality shall charge the customer non-refundable and non-transferable service fees, which shall be allocated one half to the electric fund and one half to the water fund prior to service connection. Said fees shall be applied when the account is setup, transferred to a new name, or reconnected for non-payment. Said fees may include an additional charge for any after hour service for connection or reconnection of services. Said fees shall be set in the Rate Ordinances of the City.

§3-405 UTILITIES GENERALLY; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of the utilities rent. It shall be the duty of the Municipal Clerk to report to the Governing Body a list of all unpaid accounts due for utilities service together with a description of the premises served. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (*Ref. 17-538, 17-925.01, 18-503 RS Neb.*)

§3-301 MUNICIPAL ELECTRICAL SYSTEM; OWNERSHIP. The Municipality owns and operates the Municipal Electrical System through the Electrical Foreman who is directly responsible to the City Administrator. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electrical System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electrical Fund and shall remain in the custody of the Municipal Treasurer. The City Administrator shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his office. He 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 by ordinance set the rates to be charged for services rendered and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref. 17-902 through 17-904, 17-906, 17-909 RS Neb.)*

§3-302 MUNICIPAL ELECTRICAL SYSTEM; CONTRACTS AND TERMS. The Municipality, through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named, in this Article, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the Municipality, to which both parties are bound. If a customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Electrical Foreman, under the direction of the City Administrator, or his agent, shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the City Administrator or his agent.

§3-303 MUNICIPAL ELECTRICAL SYSTEM; CONSUMER'S APPLICATION. Every person or persons desiring electrical service must make application therefore to the City Administrator. Any applicant may be required to make a service deposit in such amount as has been set by the Governing Body and on file at the office of the Municipal Clerk. Electricity may not be supplied to any house or building except upon the written order of the City Administrator. 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 paid by the consumer. Nothing herein shall be construed to obligate the Municipality to supply

electrical service to non-residents. (Ref. 17-902. 19-2701 RS Neb.)

§3-304 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 City Administrator 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 City Administrator is otherwise advised of such circumstances. (Ref. 17-902, 19-1404 RS Neb.)

§3-305 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 City Administrator. 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 City Administrator and Building Inspector; provided, that such rules, regulations, and specifications have been reviewed and approved by the Governing Body. (Ref. 17-902. 19-1404 RS Neb.)

✕ §3-306 MUNICIPAL ELECTRICAL SYSTEM; INSTALLATION EXPENSE.

(a). OVERHEAD SERVICES: The City shall provide the wire to the building and shall attach the overhead wiring to the mast provided by the building owner. City will also provide to the Customer a meter can and hub to be installed by the Customer as specified in §9-901.

(b). UNDERGROUND SERVICES: For underground service line installations, the City shall mount and connect the meter can with breakers, mast and wiring from City overhead distribution lines; and for underground City distribution lines, a meter pedestal with a breaker. The Customer shall be responsible for the installation of the service line from the metering point to the building and said service line shall be installed as specified under §9-901.

(c). Maintenance and replacement expense shall be apportioned in the same manner. (Ref. 17-902. 19-1404 RS Neb.)

§3-307 MUNICIPAL ELECTRICAL SYSTEM; METERS. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six (6) month average of the season one (1) year previous to such breakage shall be used for billing purposes. (Ref. 19-1404 RS Neb.)

§3-308 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 from the Electrical Department; to establish reasonable categories for differing charges and to provide for the collection of the fees charged. The rate schedule set by the Governing Body shall be on file for public inspection at the office of the Municipal Clerk. The Public Works Division shall bill the consumers and collect all money received by the municipality on the account of the Municipal Electrical System. The Division shall faithfully account for and pay over the same to the Municipal Treasurer all revenue collected by it, taking its receipt therefore in duplicate, filing one (1) with the Municipal Clerk and placing the other on file in the Electrical System's official records.

§3-309 MUNICIPAL ELECTRICAL SYSTEM; SERVICE DEPOSIT FUND. The service deposit required for utility service as provided in the Rate Ordinances of the City 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 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 Electrical System.

§3-310 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 Electrical Foreman, under the direction of the City Administrator, 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. 19-1404 RS Neb.*)

§3-311 MUNICIPAL ELECTRICAL SYSTEM; BUILDING MOVING. Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the Municipal Electrical system, the same should not be done except upon written permission received from the City Administrator, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the Electrical System shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. (*Ref. 19-1404 RS Neb.*)

§3-312 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 City Administrator. (*Ref. 19-1404 RS Neb.*)

§3-313 MUNICIPAL ELECTRICAL SYSTEM; ACCESS TO MUNICIPAL EQUIPMENT. The customer shall, without expense to the Municipality, permit access at all reasonable hours to all equipment and facilities owned by the Municipality and located on the customer's premises. The customer shall permit the Municipality to trim or cause to be trimmed the limbs or tops of trees to the extent that such trimming shall be necessary to avoid interference with Municipal facilities.

§3-314 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.*)

§3-315 MUNICIPAL ELECTRICAL SYSTEM; ANTENNA INSTALLATIONS.

(1) All television and radio antenna system installations from and after the effective date of this section shall be made in accordance with the following rules and regulations:

- (a) Outdoor antennas shall not exceed the maximum height of thirty feet (30') above the roof support or seventy feet (70') above a ground support. Special permission may be granted by the City Council to exceed the above specified height limitations.
- (b) Every antenna system must be adequately grounded for protection against a direct stroke of lightning, with an adequate ground wire.
- (c) In no case shall an antenna system be installed nearer to the street, sidewalk, a primary transmission line or a street series line, than the height of the antenna plus ten feet (10') unless approved by the City Council; and no wires, cables, or guy wires shall cross or extend over any part of any street, sidewalk or said lines.
- (d) Whenever it is necessary to install antenna systems near power lines, or where damage would be caused by its falling, special permission must be first obtained from the City Council and a separate safety wire must be attached to the antenna mast, and secured in a direction away from the hazard.
- (e) Telephone or light wires must be kept at least four feet (4') from transmission lines.

(2) The provisions of this section shall be deemed as supplemental to the Electrical and Building Codes of the Municipality, and any other pertinent law or ordinances of the Municipality, and all work shall conform to these requirements.

§3-316 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT; POLICY; DEFINED.

- (1) It is the policy of the Municipality to mandate participation in load management to lower the rate for electrical service to all citizens within the Municipality.
- (2) The Electrical Department is authorized to provide incentive rates or rebates for electrical customers who participate in load management programs approved by the City Council.
- (3) Load management, as used in this Code shall refer to electrical customers who have installed a device to regulate power usage of all the customer's electrical air conditioners, water heaters and heat pumps, meeting eligibility requirements as set forth from time to time by the Electrical Department.

§3-317 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT CONTROL DEVICES; WHEN REQUIRED; INSTALLATION.

(1) Any electrical device or appliance, specifically including air conditioners, water heaters, and heat pumps, receiving power from the Municipality's electrical supply, which device or appliance is installed after the effective date of this Article, and which device or appliance meets the criteria set forth section in 3-316 of this Article shall be fitted with a load management control device at the Municipality's cost.

(2) Any business or individual who shall install such device or appliance shall contact the Municipal Electrical Department within ten (10) days of installation to arrange for the fitting of such appliance or device with a load management control device.

§3-318 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT CONTROL DEVICE; TAMPERING; VIOLATION. Any installed load management control device that has been disconnected or modified in order to prohibit its intended use will be considered to be deemed a violation of this Article.

§3-319 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT CONTROL DEVICE; RETURN OR REATTACHMENT. Any existing load management control device that is attached to an appliance that has been sold or replaced must be returned to the Municipality within five (5) working days or be reattached to the newly installed unit.

§3-320 MUNICIPAL ELECTRICAL SYSTEM; LOAD MANAGEMENT; INSTALLATION OF ELECTRICAL APPLIANCES; REPORTING REQUIREMENTS. Any electrical customer who has installed any electrical appliances, as defined in section 3-316(3), shall report all such installations to the Electrical Department within thirty (30) days of installation. Any sale or installation of an electrical device by a retail establishment with a place of business in the Municipality shall be reported to the Municipality. The retailer selling such device, hereafter shall provide the following information within ten (10) days of such sale:

- (1) Date of Sale;
- (2) Type of Appliance;
- (3) Purchaser's Name; and
- (4) Purchaser's Address.

§3-321 MUNICIPAL ELECTRICAL SYSTEM; POLICIES AND PROCEDURES; APPLICABILITY. The Electrical Department is authorized to develop policies, and procedures implementing the intent of this Article and other ordinances of the Municipality concerning electrical supply. Upon the approval of such policy and procedure by the City Council the same shall be binding upon the Municipality and its electrical customers.

§3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Sewer System through the Water/Sewer/Street Foreman, who is directly responsible to the City Administrator. The Governing Body, for the purpose of defraying the cost of the management and maintenance of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Administrator 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 Governing Body. (*Ref. 17-149, 17-925.01 RS Neb.*)

§3-202 MUNICIPAL SEWER DEPARTMENT; DEFINITION OF TERMS. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

1. "BOD" (denoting Biochemical Oxygen Demand) shall mean 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 milligrams per liter.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have

equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
13. "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.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean "all facilities for collecting, pumping, treating and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Shall" is mandatory; "May" is permissive.
18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
19. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
20. "City Administrator" shall mean the City Administrator of the City of Gothenburg, or his authorized deputy, agent, or representative.
21. "Suspended Solids" shall mean and include solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
23. "Responsible Person" shall mean:
 - a. Owner;
 - b. President;
 - c. Manager;
 - d. Stockholder owning 25% or more of the company;
 - e. Partner of the company;
 - f. Supervisor; or
 - g. Any employee of the company having knowledge of the discharges.

§3-203 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR PERMIT. Any person wishing to connect with the Sewer System shall make an application therefore to the City Administrator. The Administrator 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 order the City Administrator. 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 such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents. (*Ref. 17-149, 19-2701 RS Neb.*)

§3-204 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT. The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the City Administrator, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the City Administrator or his agent. (*Ref. 17-901, 17-902, 18-503 RS Neb.*)

§3-205 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 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/Sewer/Street Foreman 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 official in charge of sewers is otherwise advised of such circumstances. (*Ref. 17-901, 17-902, 18-503 RS Neb.*)

§3-206 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing sewer service or replacement of sewer service from the main to the lot line shall be paid by the consumer and installed by the Municipality. The consumer shall then also pay the cost of installation and pipe from the lot line to the place of collection. 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 sewer service from the said lot line to the place of collection.

§3-207 MUNICIPAL SEWER DEPARTMENT; REPAIRS AND MAINTENANCE. The Customer, at his own expense, shall maintain the sewer line between the city main and the lot line. Any maintenance that requires the sewer to be excavated/repared due to deterioration, age, etc. from the city main to the lot line shall be paid for by the consumer and repaired by the Municipality; except in a situation where the line, tap, etc., has been shown to be improperly installed, and in such case all expense shall be paid for by the Municipality.

§3-208 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. The Governing Body has the power and authority to fix the rates to be charged for the usage of the Municipal sewer

line. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Public Works Division shall bill the customers and collect all money received by the Municipality on the account of the Sewer Department. The Division shall fully account for and pay to the Municipal Treasurer all revenue collected by it, taking as its receipt therefore and duplicate, filing one (1) with the Municipal Clerk and keeping the other on file in the Sewer Department official's records.

§3-209 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. 17-925.01 RS Neb.*)

§3-210 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Municipality, or in any area under the jurisdiction of said, any human or animal excrement, garbage, or other objectionable waste.

§3-211 MUNICIPAL SEWER DEPARTMENT; PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE. It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of the Municipality, any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§3-212 MUNICIPAL SEWER DEPARTMENT; PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES, AND SEPTIC TANKS PROHIBITED. Except as hereinafter provided, it shall unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

§3-213 MUNICIPAL SEWER DEPARTMENT; PUBLIC SEWERS REQUIRED; MANDATORY HOOK-UP. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the Municipality 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 or combined sewer of the Municipality, is here-by required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so: provided, that said public sewer is within one hundred (100') feet (30.5 meters) of the property line.

§3-214 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE.

1. Where a public sanitary or combined sewer is not available under the provisions of section 3-211, the building sewer shall be connected to a private sewage disposal system complying with Title 124 provisions of other Nebraska Department of Environmental Quality regulations and this Article.

2. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 3-211, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.

§3-215 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; SINGLE RESIDENTIAL DWELLING; PERMIT REQUIRED; FEE. Before commencement of construction of a private sewage disposal system for a single residential dwelling, the owner shall first obtain a written permit signed by the City Administrator. The application for such permit shall be made on a form furnished by the Municipality, which the applicant shall supply plans, materials utilized, soil seepage rates, and other information as are deemed necessary by the City Administrator. A permit and inspection fee shall be paid to the Municipality at the time the application is filed in an amount established by resolution by the City Council.

§3-216 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; APPROVAL BY STATE; WHEN REQUIRED; PERMIT; FEE. Before commencement of construction of a private sewage disposal system for anything other than a single residential dwelling, the owner shall obtain written approval of plans, specifications and necessary operational permits from the Nebraska Department of Environmental Quality. A copy of approved plans, specifications and operational permit shall be submitted to the City Administrator for application of a permit. A permit and inspection fee shall be paid to the Municipality at the time the application is filed in an amount established by resolution of the City Council.

§3-217 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT; WHEN EFFECTIVE; INSPECTIONS. Usage of a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Administrator. 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 City Administrator when the work is ready for final inspection, and before underground portions are covered. The inspection shall be made within eight (8) hours of the receipt of notice by the City Administrator.

§3-218 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Environmental Quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§3-219 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality.

§3-220 MUNICIPAL SEWER DEPARTMENT; PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the City Administrator.

§3-221 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Administrator.

§3-222 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; PERMIT APPLICATION, FEE. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Administrator. A separate permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Municipality at the time the application is filed, in an amount established by resolution of the City Council.

§3-223 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; EXPENSE. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§3-224 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; SINGLE PREMISE. A separate and independent building sewer shall be provided for every building; except where one (1) 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 (1) building sewer.

§3-225 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the City Administrator, to meet all requirements of this Article.

§3-226 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; CONSTRUCTION CODES.

- (1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or

in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- (2) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (3) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City Administrator before installation.

§3-227 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION. 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.

§3-228 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; INSPECTIONS. The applicant for the building sewer permit shall notify the City Administrator when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City Administrator or his representative.

§3-229 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION; EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

§3-230 MUNICIPAL SEWER DEPARTMENT; MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT.

- (1) 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 owners property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.
- (2) The Water/Sewer/Street Foreman 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 Water/Sewer/Street Foreman may cause such work to be done and assess the cost upon the property served by such connection, (*Ref. 18-1748 RS Neb.*)

§3-231 MUNICIPAL SEWER DEPARTMENT; PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUND WATER, COOLING WATER AND PROCESS WATER.

- (1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.
- (2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Administrator. Industrial cooling water or unpolluted process water may be discharged on approval of the City Administrator, to a storm sewer, combined sewer, or natural outlet.

§3-232 MUNICIPAL SEWER DEPARTMENT; HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer;
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§3-233 MUNICIPAL SEWER DEPARTMENT; HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY CITY ADMINISTRATOR; PRELIMINARY TREATMENT.

- (1) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City Administrator

that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Administrator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit (65° degrees C);
- b. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) degrees and one hundred fifty (150°) degrees F (0 and 65° C);
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Administrator;
- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- e. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Administrator for such materials;
- f. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the City Administrator as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters;
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Administrator in compliance with applicable State or Federal regulations;
- h. Any waters of wastes having a pH in excess of (9.5);
- i. Materials which exert or cause;
 - i. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate);
 - ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

- iv. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein:
 - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
 - k. Any waters or wastes having (i) a 5-day BOD greater than 300 parts per million by weight, or (ii) containing more than 350 parts per million by weight of suspended solids, or (iii) having an average daily flow greater than two (2) percent of the average sewage flow of the Municipality, shall be subject to the review of the City Administrator, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (A) reduce the biochemical oxygen demand to 300 parts per million by weight, or (B) reduce the suspended solids to 350 parts per million by weight, or (C) control the quantities and rates of discharge of such waters or wastes.
- (2) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Administrator and no construction of such facilities shall be commenced until said approvals are obtained in writing.

§3-234 MUNICIPAL SEWER DEPARTMENT; HAZARDOUS AND PROHIBITED DISCHARGES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 2-231 of this Article, and which in the judgment of the City Administrator, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Administrator may;
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c. Require control over the quantities and rates of discharge; and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 3-237 of this Article.
- (2) If the City Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Administrator, and subject to the requirements of all applicable codes, ordinances and laws.

§3-235 MUNICIPAL SEWER DEPARTMENT; GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED. Grease, oil, and sand interceptors shall be

provided when, in the opinion of the City Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.

§3-236 MUNICIPAL SEWER DEPARTMENT; PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§3-237 MUNICIPAL SEWER DEPARTMENT; CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE. When required by the City Administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Administrator. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§3-238 MUNICIPAL SEWER DEPARTMENT; CONTROL MANHOLES/SAMPLING STATIONS; METHOD. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater." published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

§3-239 MUNICIPAL SEWER DEPARTMENT; HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment therefore, by the industrial concern.

§3-240 MUNICIPAL SEWER DEPARTMENT; ACCIDENTAL SPILLAGE OR DISCHARGE; NOTICE REQUIRED. It shall be the duty of any responsible person to notify the City Administrator of any accidental spillage or discharge of chemical or industrial waste of unusual strength or character into the Public Sewer System. Notification will require a verbal report immediately, followed up with a written report within forty-eight (48) hours by the responsible person to the City Administrator. This report shall include the type of spill or discharge and any type of damage it might cause. The person shall be responsible for clean up or costs of any such spillage or discharge. One verbal and one written report of any such spill or discharge shall be sufficient to meet notification.

§3-241 MUNICIPAL SEWER DEPARTMENT; SEWAGE WORKS; DESTRUCTION OF PROPERTY. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-242 MUNICIPAL SEWER DEPARTMENT; COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY. The City Administrator and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The City Administrator or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§3-243 MUNICIPAL SEWER DEPARTMENT; COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY. While performing the necessary work on private properties referred to in section 3-240 above, the City Administrator or duly authorized employees of the Municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Municipal employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 3-235.

§3-244 MUNICIPAL SEWER DEPARTMENT; COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS. The City Administrator and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the Municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and

subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§3-245 MUNICIPAL SEWER DEPARTMENT; VIOLATION; NOTICE AND LIABILITY.

- (1) Any person found to be violating any provision of this Article except section 3-239 shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within period of time stated in such notice permanently cease all violations.
- (2) Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss or damage occasioned the Municipality by reason of such violation.

DEPARTMENTS

Article 1. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department through the Water/Sewer Foreman, who is responsible directly to the City Administrator. 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 City Administrator 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 ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (*Ref. 17-531, 17-534, 19-1305 RS Neb.*) (*Amended by Ord. No. 776, 8/20/02*)

§3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

MAIN. 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.

SEPARATE PREMISE. 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.

SERVICE PIPE. 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.

SUPPLY PIPE. 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.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION.

Every person or persons desiring a supply of water must make application therefore to the City Administrator. The City Administrator 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 order of the City Administrator. 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.*)

§3-104 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable roles and regulations that the Governing Body may hereafter adopt, the City Administrator or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made except by order of said Administrator or his agent.

§3-105 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing water service or replacement of water service from the main to the lot line shall be paid by the consumer and installed by the Municipality. The consumer shall then also pay the cost of installation and pipe from the lot line to the place of dispersement. In the event the consumer receiving new water service is a commercial class customer, the Municipality shall also supply and install the required water meter. The consumer shall be required to 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. (*Ref. 17-542 RS Neb.*) (*Amended by Ord. No 776, 8/20/02*)

§3-106 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE. The Municipality shall repair all supply pipe between the commercial main and the stop box. The customer at his own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersement. When leaks occur in service pipes, the Water/Sewer Foreman shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Water/Sewer Foreman. All water meters shall be kept in repair by the Municipality at the expense of the Municipality. When meters are worn out, they shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the City Administrator shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter

to be running two (2%) percent or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, that if no such basis for comparison exists; the customer shall be charged such amount as may be reasonably fixed by the City Administrator. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately. (Ref. 17-537 RS Neb.) (Amended by Ord. No. 776, 8/20/02)

§3-107 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 Public Works Division bill the consumers and collect all money received by the Municipality on the account of the Water Department. The Division shall faithfully account for, and pay to the Municipal Treasurer all revenue collected by it, taking its receipt therefore in duplicate, filing one with the Municipal Clerk and keeping the other on file in the Water Department's official records. (Ref. 17-540 RS Neb.)

§3-108 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/Sewer/Street Foreman 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.)

§3-109 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 City Administrator. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (Ref. 17-537 RS Neb.)

§3-110 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body or the City Administrator 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.)

§3-111 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, or the Assistant Fire Chief; or members 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.

§3-112 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.)*

§3-113 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP. All persons whose property abuts a water main that is now or may hereafter be laid shall be required, upon notice by the Governing Body, to hook-up the Municipal Water System. *(Ref. 17-539 RS Neb.)*

§3-114 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/Sewer Foreman 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/Sewer Foreman is otherwise advised of such circumstances. *(Ref. 17-537 RS Neb.) (Amended by Ord. No. 776. 8/20/02)*

§3-115 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Water/Sewer Foreman, or his duly authorized agents, shall have free access, at any reasonable time, 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.) (Amended by Ord. No. 776, 8/20/02)*

§3-116 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/Sewer Foreman. *(Amended by Ord. No. 776, 8/20/02)*

§3-117 MUNICIPAL WATER DEPARTMENT; BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING.

- (1) A customer of the Municipal Water Department may be required by the Water/Sewer Foreman to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the Water/Sewer Foreman.

- (2) The customer shall make application to the Water/Sewer Foreman to install a required backflow prevention device on a form provided by the Municipality. The application shall contain at a minimum the name and address of the applicant, the potential hazard, the type of protection required, and the type of backflow device to be installed including brand and model number.
- (3) The Water/Sewer Foreman shall approve or disapprove the application based on his/her opinion of whether such installation will protect the Municipal Water Distribution System from potential backflow and backsiphonage hazards.
- (4) The installation of the device shall be subject to all other sections of this Code dealing with installation of plumbing, including the use of a plumber licensed by the Municipality if applicable.
- (5) Such customer shall also certify to the Municipality at least one (1) time annually that the backflow prevention device, except those backflow prevention devices attached to a lawn sprinkler system, has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Municipal Clerk. Failure to certify said devices may result in immediate termination of service at the discretion of Water/Sewer/Street Foreman.
- (6) Customers with lawn sprinklers are not required to inspect the backflow prevention devices that attach to the lawn sprinkler system.
- (7) Any decision of the Water/Sewer Foreman may be appealed to the City Council.
- (8) Water/Sewer Foreman for purposes of this section shall mean the duly acting Water/Sewer Foreman of the City or his authorized representative. *(Amended by Ord. No. 752, 1/16/01)*

§3-118 MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT.

- (1) No customer or other person shall cause, allow, or create any physical connection between the Municipal Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the Municipal Water Distribution System.
- (2) At least one (1) time every five (5) years, customers or the Municipal Water Distribution and Supply System shall be required to assess and report potential backflow and backsiphonage hazards to the Municipality on a form supplied by the Municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Water/Sewer Foreman. *(Amended by Ord. No. 776, 8/20/02)*

§3-119 MUNICIPAL WATER DEPARTMENT; WATER WORKS; DESTRUCTION OF PROPERTY. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the water works. Any person violating this provision shall at a minimum be subject to immediate arrest under charge of disorderly conduct.

City of Gothenburg Landlord Notification

This document designates the Landlord or Property Owner below as a party to receive notification of discontinuance of service by the City under non-routine circumstances at the address listed on this Notification.

Discontinuance of service for non-routine circumstances shall be for a legitimate business purpose on the part of the City, which may include non-payment, diversion of electrical services, and meter tampering.

Name of Landlord (print) _____

Address of Landlord _____

Phone Number of Landlord _____

In signing this form, I understand that my Landlord may be notified under the terms as agreed to by the City and the Landlord on the Landlord Agreement.

Terms on the Landlord Agreement include the Landlord receiving notice within 48 hours of termination of service to the tenant that the service has been transferred to the Landlord's account.

Customer (Tenant) Name (print) _____

Customer (Tenant) Signature _____

Customer (Tenant) Address _____

FOR OFFICE USE ONLY:

Customer (Tenant) Account No. _____

ACCOUNT ADDRESS:

City of Gothenburg Landlord Agreement

ACCOUNT NUMBER

(OFFICE ONLY)

Please indicate your preferred option. The option selected will be in effect for a minimum of one year and shall continue until such time as a different selection is chosen by the landlord. This agreement will apply during normal business hours. If the landlord requests service outside of normal working hours, on a weekend or holiday, an after hour connect charge of \$50.00 shall be applicable.

☐ Option 1 (\$0) – When the tenant requests routine disconnection, or if the City is requiring non-routine disconnection of service for a legitimate business purpose which includes disconnection for non-payment on the tenant's bill, the service shall be disconnected. There shall be no notification from the City. Landlord will pay regular connect fees at such time the service is reconnected into his or her name.

☐ Option 2 (\$5) – When the tenant requests routine disconnection, or if the City is requiring non-routine disconnection of service for a legitimate business purpose which includes disconnection for non-payment on the tenant's bill, the service shall transferred to landlord. Notification to the landlord will be received when the Landlord receives the bill for service.

A Landlord Notification Sheet **signed by the tenant** shall be on file for any non-routine disconnection.

☐ Option 3 (\$10) – When the tenant requests routine disconnection, or if the City is requiring non-routine disconnection of service for a legitimate business purpose which includes disconnection for non-payment on the tenant's bill, the service shall transferred to landlord. The City shall notify Landlord of change in serve by phone or email within 48 hours of the change in service. Landlord must provide City with a phone number with recordable notification capabilities; or a viable e-mail address.

A Landlord Notification Sheet **signed by the tenant** shall be on file for any non-routine disconnection.

Choose One:

☐ My phone # is: _____

☐ My e-mail address is: _____

SIGNED: _____

DATE: _____

**OPTION #1 SHALL BE AUTOMATIC UPON FAILURE BY THE LANDLORD
TO HAVE THIS SHEET SIGNED AND ON FILE AT THE CITY OFFICE.**