

CHAPTER VI PUBLIC UTILITIES

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*Chapter VI – Public Utilities repealed and adopted in entirety by Ordinance 244(16) - May, 20, 2016

CHAPTER VI PUBLIC UTILITIES

ARTICLE I – UTILITIES GENERALLY

SECTION 6-101: MANDATORY UTILITY HOOKUP

All persons whose property is inside the corporate limits of the City and abuts a water and/or sewer main that is now, or hereafter may be laid, shall be required, upon notice of the City Council and/or the Water and/or Sewer Commissioner, to be connected with the city water and/or sewerage systems.

Every building hereafter erected with inside water and sewerage facilities, and located upon property which is inside the corporate limits of the City and abuts a water and/or sewer main, shall be required to be connected with the public water and/or sewer systems at the time of its construction.

In the event that any property owner, occupant, or lessee shall neglect, fail or refuse, to make such connection within a period of ten days after notice has been given to him/her to do so by certified mail or by publication in a newspaper in or of general circulation in the City, the Water Commissioner and/or Sewer Commissioner and/or 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.

(Ref. 17-537, 17-149 RS Neb.)

SECTION 6-102: GARBAGE HAULING AND DISPOSAL; SERVICE MANDATORY

The City Council, in the interest of protecting the general health of the City, has deemed it necessary to enter into a contract for the hauling and disposal of garbage, rubbish and waste from the City and to make this service mandatory on all businesses and all persons residing within the city limits. As solid waste disposal service is deemed necessary to protect the general health of the City, proof of actual use of the service by the consumer shall not be a condition precedent to collecting the service charge for garbage hauling and disposal. Same service shall be provided at least once a week.

Exclusions from the trash collection system may be granted on a case by case basis for any consumer requiring specialized waste disposal services, if the City Clerk and/or City Council determine that the location or business requesting exclusion has provided necessary proof that solid waste disposal service is contracted for and provided by a third party.

Exclusions from the trash collection system may also be granted on a case by case basis due to a lack of occupancy or use of property in excess of thirty days.

Rates for said service may be changed at any time by resolution of the City Council.

(Ref. 17-123, 19-2105, and 19-2106 RS Neb.)

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SECTION 6-103: SINGLE PREMISE; WATER AND SEWER

Every consumer shall have his/her own independent water and/or sewer service line connected to the public mains, installed as specified by Articles III and IV of this Chapter.

Every premise supplied with water from the public water system shall have its own water meter, installed as specified by Article III of this Chapter.

No consumer shall supply water to another individual or business nor shall any consumer allow another individual or business to take water away from his/her premise. A separate and independent water service line and/or sewer service line shall be provided for every building, except where one building stands at the rear of another on the same interior lot and no private water service line and/or sewer service line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the water service line and/or sewer service line from the front building may be extended to the rear building and the whole considered as one water service and/or one sewer service provided that all water consumed through such service shall be metered; furthermore, the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Existing shared water service pipes and/or sewer service lines may continue to exist until the consumer or consumers:

- 1) Voluntarily elect to separate their service line(s) from the shared service line so as to conform with this section at their own cost; or,
- 2) Transfer ownership of any property or properties upon which a shared water and/or sewer service line serves, at which time all consumers' service lines shall conform to this section at their own cost.

All such work shall be considered repairs and maintenance and shall conform to sections 6-306 and 6-406 of the Albion City Code regarding repairs and maintenance of private Water and Sewer lines, respectively.

The City may file with the County Clerk a notice indicating that a property has a shared water and/or sewer connection. This shall be filed in the miscellaneous records of the County Clerk against all real estate which is party to the shared connection. This notice shall be for the purpose of notifying any potential purchaser of the shared connection. This notice shall include the following:

- a) Names and mailing addresses of the property owners who share in the shared connection at the time of filing;
- b) Legal descriptions of the parcels which the shared connection services;
- c) Text of Section 6-103 of the Albion Municipal Code;
- d) Contact information for the City of Albion

If and when any shared connection is separated, the City shall file a subsequent notice with the County Clerk indicating that the connection has been separated which shall include the legal descriptions of all parcels which were previously served by the shared connection but now have an independent water and/or sewer service. The City shall be responsible for any fees associated with the filing of these notices. (Ref. 17-537, 17-149 RS Neb.)

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SECTION 6-104: CONSUMER'S APPLICATION FOR UTILITIES

Every person or persons desiring a supply of water, sewerage connection, and/or solid waste disposal must make application therefor to the Utility Billing Clerk upon the blanks to be furnished by him/her for that purpose. The applicant shall be required to pay a utility service deposit at the time of application {See SECTION 6-105}. Water may not be supplied to any house or private service pipe except upon the supervision of the Water Commissioner. Nothing herein shall be construed to obligate the City to provide water service, sewer service, and/or solid waste disposal to non-residents. No applicant for City provided utility services 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. (Ref. 17-537, 17-149, 19-2106, 70-1601 RS Neb)

SECTION 6-105: SERVICE DEPOSIT

A service deposit in such amount as set by resolution of the City Council shall be held by the Utility Billing Clerk to the credit of such consumer. The service deposit may be applied by the Utility Billing Clerk to the payment of any fine, penalty or forfeiture incurred by such consumer during the period he/she used the water and sewer service, or to any balance due the City at the time of the discontinuance of such service. Any remaining deposit at the time of discontinuance of service shall be refunded to the consumer.

SECTION 6-106: UTILITY CONTRACT

The City through its water, sewerage, and/or solid waste disposal systems shall furnish water, sewer, and/or solid waste disposal services to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is, or may hereafter, be laid. The City may furnish water, sewer, and/or solid waste disposal services to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now, or may hereafter be, laid, , as and when, according to law, the City Council may see fit to do so. The rules, regulations and utility rates hereinafter named in this article shall be considered a part of every application hereafter made for water, sewer, and/or solid waste disposal services 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 any of the aforementioned utility services by present consumers thereof and the furnishing of utility services 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 Water Commissioner or his/her agent may cut off or disconnect the water service from the building or premise or place of such violation as provided by law and further defined in Sections 6-112 and 6-113. No further connection for water service to said building, premise or place shall again be made, except by order of said Water Commissioner or his/her agent. Whenever water service is disconnected and/or deactivated, any applicable sewer service also ceases.

In the case that the City is providing consumer with solid waste disposal services only and discontinuance of service as defined in 6-112 is not a viable remedy all other legal remedies, including those outlined in section 6-115, shall still apply.

(Ref. 17-537, 17-149, 19-2106, 19-2701 RS Neb.)

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SECTION 6-107: UTILITY SERVICE CONTRACTS, NOT TRANSFERABLE

Contracts for city provided utility services 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 cease to own or occupy the premise where service is furnished, or if said premise is destroyed by fire or other casualty, he/she shall at once inform the Water Department who shall cause the water service to be shut off from said premise. If the consumer should fail to give such notice, he/she shall be charged for all applicable utility services provided to said premise until the Water Department is advised of such circumstances. (Ref 17-537, 17-149, 19-2106 RS Neb)

SECTION 6-108: RATES AND COLLECTIONS

The City Council has the power and authority to fix the utility rates by resolution for the use of water, sewer, and solid waste disposal services provided by the City. All such rates shall be on file for public inspection at City Hall. The Utility Billing Clerk shall bill the consumers and collect all money received by the City on the account of the respective utility department. He/she shall faithfully account for and pay to the City Treasurer all revenue collected by him/her, making his/her receipt therefore in duplicate, keeping one and filing the other in the utility departments' official records. (Ref. 17-540, 17-542, 17-925.01, 17-925.02, 19-2106 RS Neb.)

SECTION 6-109: MINIMUM UTILITY RATES

All utility consumers shall be liable for the minimum flat rate provided by resolution unless and until the consumer shall, by written order, direct the superintendent to shut off the utilities, in which case he/she shall not be liable thereafter for utilities until the utilities are turned on again; however, the same consumer may be subject to a utility reconnection fee as set by resolution of the City Council. (Ref. 17-537, 17-542, 17-925.01, 17-925.02, 19-2106 RS Neb.)

SECTION 6-110: WATER TESTING AND UTILITY IMPROVEMENTS SURCHARGE

There is hereby levied a water testing and improvements surcharge per meter in service as established by resolution of the City Council.

Revenue received from the water testing and improvements surcharge shall be used for water and wastewater testing mandated by the State of Nebraska and the federal government, and for all other testing deemed necessary for the safe operation of the city waterworks and city sewerage system, or for city water and sewer utility improvement projects. The revenues received shall be deposited in each of the utility departments' respective accounts and official records as specified in the City of Albion utility rates as established by resolution of the City Council.

The City Council may, when deemed prudent, provide for the refunding of unused testing revenues to the consumer. The manner and type of refund shall be determined by the resolution of the City Council.

The water testing and improvements surcharge shall be considered part of the water and sewer rate of the City and failure to pay the surcharge shall be treated the same as other delinquent water and sewer bills.

(17-537, 17-149, 17-925.01, 17-925.02 RS Neb.)

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SECTION 6-111: UTILITY BILLS

All fees for utility services shall be due and payable at the same time via a combined utility bill. Utility bills shall be due and payable bi-monthly at the office of the Utility Billing Clerk. The Water and Sewer Commissioners shall read, or cause to be read, the meters during the second or third week of the month prior to the due date of the bill. The utility bills shall be sent bi-monthly on the 1st business day of the billing month via first class mail or by electronic delivery if the subscriber has specifically elected to receive his or her bills and/or notices by electronic delivery. All utility accounts are due the 20th of month that the bill is sent, or the next business day thereafter should the 20th of the month fall on a weekend or holiday. Final bills on closed utility accounts will be mailed within 7 business days from the notice to close the utility account and shall be due 20 days from the date mailed, or the next business day if such date falls on a weekend or holiday.

Any utility bills not paid in full by the due date will be deemed delinquent and will be assessed a service charge of 10% of the bill or \$25.00, whichever is lesser, on the following business day, weekends and holidays excluded. If the account remains delinquent 10 calendar days after the delinquent date, an additional 10% of the total bill or \$25.00, whichever is lesser, shall be assessed on the following business day unless the same account maintains an unpaid balance of \$25.00 or less. Any and all accounts maintaining an unpaid balance 35 days following the delinquent date shall be assessed a 10% fee of the unpaid balance. If an account remains delinquent for 60 days or more, a lien may be assessed upon the real estate in accordance with Section 6-115 in the amount of the unpaid balance of the utility bill, an additional \$50 service charge, and any future charges associated with the account until said account is paid in full. If approved by both the Utility Billing Clerk and City Administrator, service charges for delinquent accounts may be waived on a case-by-case basis upon written request by the consumer.

The Utility Billing Clerk shall notify all owners of the premises or their registered agents whenever their tenants or lessees are more than 9 days delinquent in the payment of their utility bill via first class mail or by electronic delivery if the subscriber has specifically elected to receive his or her bills and/or notices by electronic delivery.

(Ref. 17-149, 17-537, 17-538, 17-542, 17-925.01, 17-1925.02, 19-2106 RS Neb.)

**Section 6-111 repealed and replaced by Ordinance 257(17) – February 14, 2017*

SECTION 6-112: DISCONTINUANCE OF SERVICE

The City shall have the right to discontinue utility service and remove its property for any utility account that has been delinquent for more than 20 days. Upon being deemed delinquent as herein defined, the Utility Billing Clerk shall give written notice of such delinquency to the consumer as provided in Section 6-113 and shall demand immediate payment. The Utility Billing Clerk shall assess an additional reconnection fee, set by resolution of the City Council and on file at City Hall, in the event that water service is shut off in order to compensate the City for the additional reconnection necessary to again provide water service to the delinquent consumer. Water service shall not be restored to any property until all unpaid balances and fees are paid.

(70-1605 RS Neb.)

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SECTION 6-113: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

Before any termination, the Utility Billing Clerk shall first give notice to any domestic subscriber, as defined by Nebraska Revised State Statute 70-1602, whose service is proposed to be terminated in person, by first-class mail, or by electronic delivery if the subscriber has specifically elected to receive such notices by electronic delivery.

If notice to such domestic subscriber is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is given, weekends and holidays excluded. As to any subscriber who has previously identified a designated third party to receive such notices, such notice of proposed termination shall be given to the designated third party in the same manner as identified above.

The notice shall contain the following information:

- 1) The reason for the proposed disconnection;
- 2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Utility Department regarding payment of the bill;
- 3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- 4) The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
- 5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- 6) A statement that the utility may not disconnect service pending the conclusion of the conference;
- 7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that 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 Utility Billing Clerk within five days of receiving notice under this section and will prevent the disconnection of the utility services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any past-due account;
- 8) The cost that will be borne by the domestic subscriber for a restoration of service;
- 9) A statement that the domestic subscriber may arrange with the City for an installment payment plan;
- 10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and,
- 11) Any additional information not inconsistent with this section which has received prior approval from the City Council.

No payment agreement nor Utility Department approved installment plan shall have a term greater than 35 days from the account due date as established in Section 6-111: UTILITY BILLS. (Ref 70-1605 through 70-1607 Neb. RS)

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This section shall not apply to any disconnection nor any interruption of service made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Ref. 70-1615 RS Neb.)

SECTION 6-114: DISCONTINUANCE OF SERVICE; DISPUTE; PROCEDURE

A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before an employee designated by the City to hear such matters. The employee designated by the City shall hear and decide all matters disputed by domestic subscribers. The subjects to be heard shall include matters relating to a disputed bill. Furthermore, a domestic subscriber may dispute the proposed discontinuance of water by notifying the City 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 City may discontinue service.

Upon notice to the employee designated by the City of any request for a conference by a domestic subscriber, the employee shall:

- 1) Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and,
- 2) Hold a conference within fourteen days of the receipt of the domestic subscriber's request.

Such conference shall be informal and not governed by the Nebraska Evidence Rules. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under sections 70-1605 to 70-1615 of the Nebraska Revised Statutes or the Municipal Code, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the City of any further action prior to the discontinuance of service. If a domestic subscriber contacts the City prior to the scheduled conference and demonstrates that failure to attend is for a legitimate reason, the City shall make a reasonable effort to reschedule the conference.

The employee of the City shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any decision by the City involving a disputed bill which results in a threatened termination of utility service. The employee shall allow termination of utility service only as a measure of last resort after the utility has exhausted all other remedies less drastic than termination.

This section shall not apply to any disconnection or interruptions of service made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Ref. 17-1615 RS Neb.)

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The Designated Employee for discontinuance of utility service disputes is:

Utility Billing Clerk
420 West Market Street
Albion, NE 68620
402-395-2803
Hours: M-F 7am-4pm, excluding Holidays

Any domestic subscriber may appeal an adverse decision of the employee to the City Clerk by providing a written appeal within five days of the conference.

The City Clerk shall schedule a hearing within fourteen days of the receipt of the written appeal. The same hearing will take place in the Council Chambers at Albion City Hall, 420 W. Market Street, Albion, NE 68620.

The City Clerk shall notify the domestic subscriber in writing by U.S. mail of the time, place, and date of the scheduled hearing.

Due to the time related to the appeal process, a domestic subscriber may “pay in protest” all outstanding fees, penalties, and reconnection fees in order to avoid disconnection prior to the appeal hearing. If the discontinuance of service decision is reversed and modified on appeal, a specified amount of these fees and penalties may be returned to the domestic subscriber.

At such appeal hearing, the Mayor, City Clerk, and Water Commissioner will hear the appeal of the domestic subscriber.

The domestic subscriber may:

- 1) Be represented by legal counsel or other representative or spokesperson;
- 2) Examine and copy, not less than three business days prior to such hearing, the City's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the City in reaching the decision to propose termination or to take other action which is the subject of the hearing;
- 3) Present witnesses and offer evidence;
- 4) Confront and cross examine such other witnesses as may appear and testify at the hearing; and
- 5) Make or have made a record of the proceedings at his or her own expense.

Upon hearing the appeal of the domestic subscriber, the Mayor, City Clerk, and Water Commissioner shall determine whether to affirm, reverse, or modify any decision associated with the discontinuance of service. Such decision shall be final.

(Ref 70-1608-1614 Neb RS)

This section shall not apply to any disconnection or interruptions of service made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Ref. 70-1615 RS Neb.)

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SECTION 6-115: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility services furnished, such utility bill due shall be considered a delinquent utility rent, which together with any future charges incurred until such account is paid in full, shall be declared a lien upon the real estate for which the same was used. The City Utility Billing Clerk shall present any account maintaining a delinquent utility rent for 60 days or more to the City Council; and after a public meeting conducted by the City Council, shall file with the County Clerk and County Treasurer a certified special assessment for utility rents against such lot or land in the manner provided by law.

It shall also be the duty of the Utility Billing Clerk on June 1 of each year to report to the City Council a list of all unpaid accounts due for utilities together with a description of the premise upon which the same was used.

(Ref 17-537, 17-538, 17-149, 19-2106 RS Neb)

**Section 6-115 repealed and replaced by Ordinance 257(17) – February 14, 2017*

SECTION 6-116: THEFT OF SERVICES

A person commits theft if he or she obtains any of the aforementioned utility services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service.

A person commits theft if, having control over the disposition of utility services of others to which he or she is not entitled, he or she diverts such utility services to his or her own benefit or to the benefit of another not entitled thereto.

A person commits theft if, they:

- 1) connect any pipe or conduit supplying water, without the knowledge and consent of the City, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;
- 2) knowingly use or knowingly permit the use of water obtained unlawfully pursuant to this section;
- 3) reconnect water service without the knowledge and consent of the City of such service if the service has been disconnected pursuant to section 6-112; or,
- 4) willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without the knowledge and consent of the City of the water passing or intended to pass through such meter.

Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

A violation of this section shall be a Class III misdemeanor.

(Ref 28-515 and 28-515.02 Neb RS)

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SECTION 1-117: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the City waterworks system or City wastewater facilities. No person may deposit anything in a curb 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 City Utilities Department. (Ref. 17-149, 17-537 RS Neb.)

SECTION 1-118: INSPECTION

The Water Commissioner and/or Sewer Commissioner, or their duly authorized agents, shall have free access at any reasonable time to all parts of each premises and building to which water is delivered and/or to which is connected with the sewer system for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair, unnecessary waste of water, or violation of this Chapter. (Ref. 17-149, 17-537 RS Neb.)

SECTION 6-119: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the Utility Departments of the City of Albion may request in writing to appear before the City Council and present his/her grievance. Such complaint and/or grievance may be addressed administratively for resolution prior to the City Council meeting.

Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the utility services may pay such charge under protest, in which event the City Clerk shall write on the receipt given such consumer the words "Paid under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the City Council for a refund of the amount so paid under protest. Such claims shall then be considered by the City Council in the same manner as other claims against the City.

Disputes for discontinuance of service shall be addressed using procedures defined in SECTION 6-113 and SECTION 6-114 of the Albion City Code.

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ARTICLE II – LICENSED PLUMBERS

SECTION 6-201: LICENSED PLUMBER DEFINED

The term "licensed plumber" as used in the ordinances of this city is hereby defined to denote any person to whom a plumber's license has been duly issued, as hereinafter provided, which has not been revoked or terminated by lapse of time.

SECTION 6-202: LICENSED PLUMBER; REQUIRED; WATER

It shall be unlawful for any person, firm or corporation to do any work upon the consumer water service and or/ consumer water supply pipe or any other portion of the plumbing system of any premise either within or without a building without first securing a plumber's license from the City Code Official. Furthermore, all work performed shall comply with the water system rules and regulations, city plumbing code, and/or according to acceptable plumbing practices as determined by the Water Commissioner. The said licensed plumber shall be at all times subject to the inspection and approval of the Water Commissioner, and it shall be further unlawful to willfully cover or conceal any defective or unsatisfactory work.

It shall also be unlawful for any person, firm or corporation to do any work upon any of the pipes or appurtenances of the city waterworks system and/or city water supply, or to make any unauthorized connection with or extension of the water supply pipes of any consumer taking water from said system; provided that nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city waterworks system.

SECTION 6-203: LICENSED PLUMBER; REQUIRED; SEWER

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without first securing a plumber's license from the City Code Official. Furthermore, all work performed shall comply with the sewer system rules and regulations, city codes, and/or acceptable plumbing practices as determined by the City Sewer Commissioner. The said licensed plumber shall be at all times subject to the inspection and approval of the Sewer Commissioner, and it shall be further unlawful to willfully cover or conceal any defective or unsatisfactory work.

It shall be unlawful for any person, firm or corporation to do any work upon any of the city sewer system or water treatment system, or to make any unauthorized connection with or extension of the consumer sewer service lines; provided that nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 6-204: PLUMBER'S LIABILITY

Any person, firm or corporation who connects with the public utilities shall be held responsible for any damage he/she may cause to the waterworks system, sewers, or the public ways and property. He/she shall restore to the complete satisfaction of the city street superintendent all streets that he/she has excavated and make good any settlement of the ground or pavement caused by his/her excavation.

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SECTION 6-205: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a license as a plumber shall file in the office of the City Clerk a written application requesting to become a licensed plumber and stating his/her willingness to be governed in all respects by the ordinances of the City and all rules and regulations now in effect or hereafter to be adopted by the City concerning its utility systems. Each application must be accompanied by 1) a license fee as set by resolution of the City Council and on file at Albion City Hall, 2) proof of general liability insurance of at least \$100,000.00 per incident, and 3) a bond with corporate surety to be approved by the City Code Official in the penal sum of \$10,000.00, conditioned upon his/her indemnifying and keeping harmless the City of Albion from all liability for any damage arising from any negligence or unskilled act in doing or protecting his/her work, or from any unfaithful or inadequate work done in pursuance of his/her license, and conditioned upon his/her restoring the streets, alleys, sidewalks and pavements over the pipes he/she may lay, and filling all excavations made by him/her so as to leave said streets, alleys, sidewalks and pavements in a condition as good as he/she found them, and keeping and maintaining the same in good order to the satisfaction of the City Code Official for the period of one year next thereafter and that he/she will pay all fines that may be imposed upon him/her for a violation of any of the ordinances, rules and regulations adopted by the City and in force during the term of his/her license. Complete applications will be submitted to the City Code Official for approval. Upon review of the application, if the Code Official is satisfied with the business capacity, qualifications and good reputation of the applicant he/she may grant and issue a license authorizing the applicant to engage in business as a licensed plumber in the City for the term of the license. Said license and bond shall cover all employees of the applicant for the term of the license.

SECTION 6-206: TERM OF LICENSE; REVOCATION; APPEAL

The term of each license or renewal shall be one calendar year. All licenses are subject to revocation by the City Code Official. If a license is revoked, written notification of said revocation shall be delivered to the license holder by personal delivery or certified mailing. The licensee shall have 30 days to file with the City Clerk a written appeal of the decision of the City Code Official. The appeal shall be to the City Council.

SECTION 6-207: RENEWAL OF LICENSES

Any license granted under the preceding ordinance or as provided in the preceding section may be renewed from year to year at the option of the City Code Official, on application therefore, upon payment of the license fee as set by resolution of the City Council for the year and the renewal of applicant's bond.

SECTION 6-208: FEES TO BE PAID TO CITY TREASURER:

The City Clerk shall pay over to the City Treasurer for allocation to the city water fund all license fees collected pursuant to this article.

(Ref. 17-537, 17-542-543 RS Neb)

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ARTICLE III -WATER DEPARTMENT

SECTION 6-301: TERMS DEFINED

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

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

"Property Shut-off Valve" is hereby defined to be the control valve located between the water main and the consumer's premise and utilized to start or stop flows of the water supply to a consumer's premise. This may also be commonly referred to as the stopcock, curb stop, or curb box.

"Service pipe" is hereby defined to be any pipe extending from the property shut-off valve at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be disbursed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premise where the property shut-off valve is located.

SECTION 6-302: OPERATION AND FUNDING

The Mayor and City Council hereby find and determine that the City of Albion owns a waterworks plant and system in and for the City and operates the same through the Water Commissioner, and said city hereby adopts the following as the rules and regulations in construction, use, and management of the city waterworks system, mains and any portions and/or extensions thereof, which will govern in the operation of the waterworks system, water supply, and the use of the water therefrom.

The City Council, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the water system, may tax, assess, and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water system; therefore, the City has established a user charge system based on actual use and may revise the charges, if necessary, to accomplish the following:

- 1) Maintain the proportional distribution of OM&R costs among users and user classes;
- 2) Generate adequate revenues to pay the costs of OM&R;
- 3) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

The revenue from the user charge system shall be known as the Water Fund and shall be for the purpose of operating, maintaining, and replacing the waterworks system and water supply of the City and shall remain in the custody of the City Treasurer.

The billing for said user charge system shall be conducted as provided in *CHAPTER 6, ARTICLE I – UTILITIES GENERALLY*. Rates for said user charge system may be changed at any time by resolution as established by ordinance in *CHAPTER 6, ARTICLE I – UTILITIES GENERALLY*.

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The Water Commissioner shall have the direct management and control of the waterworks system and shall faithfully carry out the duties of his/her office. The Water Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the City Council.

(Ref. 17-123, 17-531, 17-537-538, 17-541-543, and 19-1305 RS Neb.)

SECTION 6-303: INSTALLATION PROCEDURE

It shall be unlawful for any person, firm or corporation to do any work upon the consumer water service and or/ consumer water supply pipe or any other portion of the plumbing system of any premise either within or without a building without first securing a plumber's license from the City Code Official and without first obtaining permission from the Water Commissioner. {See *ARTICLE 2: LICENSED PLUMBERS*}

The property shut-off valve shall be of the type known as the Minneapolis inverted key stop, or similar design as approved by the Water Commissioner. It shall be easily accessible and so situated that the water can be conveniently shut off and drained from the pipe.

Furthermore, all work performed shall comply with the water system rules and regulations, city plumbing code, and/or according to acceptable plumbing practices as determined by the Water Commissioner. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, which shall be accompanied by warning lights if left open during the night. After the installation or repair is complete, the streets, alleys and sidewalks shall be restored to good condition. If the excavation of any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the Water Commissioner shall have the right to properly complete the work, and all expenses incurred in doing so shall be charged to the consumer responsible for the excavation. All installations or repairs covered by this section shall require two inspections by the Water Commissioner. The first inspection shall be made after the installation or repair is completed but before the work is covered. The second inspection shall be made after the service is restored. It is the consumer's responsibility to notify the Water Commissioner when the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules and regulations established by the Water Commissioner.

(Ref. 17-537 RS Neb.)

SECTION 6-304: INSTALLATION EXPENSE

The expense of providing water service to the corporation cock shall be paid by the City. The Water Commissioner or his/her authorized agent shall tap the main, supply and install the corporation cock, and the consumer shall pay a tap fee in such amount as shall be set by resolution of the City Council and kept on file with the City Clerk. The consumer shall then pay the cost of all materials including the property shut off and water meter, and the installation thereof by a licensed plumber from the corporation cock to the place of disbursement. (Ref. 17-542 RS Neb.)

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SECTION 6-305: INSTALLATION OUTSIDE CORPORATE LIMITS; CONDITIONS

The department shall not supply water service to any property located outside the corporate limits without the approval of a preliminary plat of the subdivision to be served, the property owner first requesting annexation of the property to be served, and specific approval of all utility construction plans and specifications by the City Council; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the property owner. Nothing herein shall be construed to obligate the City to provide water service to non-residents. (Ref. 19-2701 RS Neb.)

SECTION 6-306: REPAIRS AND MAINTENANCE

Repairs to the supply pipe, service pipe and property shut-off valve shall be made by and at the expense of the property owner. The property owner's duty to repair or replace such supply pipe, service pipe and property shut-off valve 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 water main.

Whenever repairs or replacement is deemed necessary by the Water Commissioner, he/she shall give the property owner notice by 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 ten (10) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Water Commissioner may cause such work to be done and assess the cost upon the property served by such connection. In an emergency situation, the Water Commissioner will notify the property owner by phone or in person to repair or replace such connection line within 48 hours. Upon the Water Commissioner's discretion he may cause such work to be done and assess the cost upon the property served by such connection.

It shall be unlawful for any person, firm or corporation to do any work upon the consumer water service and or/ consumer water supply pipe or any other portion of the plumbing system of any premise either within or without a building without first securing a plumber's license from the City Code Official and without first obtaining permission from the Water Commissioner. {See *ARTICLE 2: LICENSED PLUMBERS*} Furthermore, all work performed shall comply with the water system rules and regulations, city plumbing code, and/or according to acceptable plumbing practices as determined by the Water Commissioner.

All other repairs to the property of the Water Department, including the meter, shall be the responsibility of the City Water Department. All residential consumers shall have remote meters, or meters that shall be easily accessible at any time, and all water meters shall be kept in good repair by the Water Commissioner at the expense of the City. When meters are worn out, they shall be replaced and reset by the Commissioner at the expense of the City; provided, that if the consumer 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 Water Commissioner shall bill and collect from the consumer the cost of such meter repair or replacement in the same manner as water rates are collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the consumer. All meters shall be tested at consumer's request at the expense of the consumer 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 City. The City reserves the right to test any water service meter at any time, and if said meter is found to be beyond

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repair the City shall always have the right to place a new meter on the consumer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the consumer shall be charged for water during the time the meter is out of repair on the basis of the bi-monthly consumption during the same bi-monthly period of the preceding year; provided, that if no such basis for comparison exists, the consumer shall be charged such amount as may be reasonably fixed by the Water Commissioner.

(Ref. 17-537 and 17-542 RS Neb)

SECTION 6-307: WATER SERVICE LINE INSTALLATION; MATERIALS

All water service line materials shall meet the current International Plumbing Code standard. (Ref. 17-537 RS Neb.)

Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

The Water Commissioner shall require replacement of any pipe or joint if, during the course of any inspection of installation or repair work of facilities connected to the public water system, such pipe or joint is found not to be lead free. Such replacements to consumer supply and service pipes and joints shall be at the cost of the consumer in accordance with SECTIONS 6-304 through 6-306.

For purposes of this section, lead free shall mean:

- 1) Solders and flux -not more than .2% lead, and
- 2) Pipe and pipe fittings -not more than 8% lead.

(Ref. 71-5301-5301.01 RS Neb.)

SECTION 6-308: RESTRICTED USE; LIABILITY OF CITY

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

SECTION 6-309: 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 city fire department under the orders of the Fire Chief or the assistant Fire Chief to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

SECTION 6-310: POLLUTION

It shall be unlawful for any person to pollute or injure, or attempt to pollute or injure any stream or source of water for the supply of the city water department. (Ref 17-536 RS Neb.)

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SECTION 6-320: WELLHEAD PROTECTION; DEFINITIONS

- 1) “Wellhead Protection Area” means the surface and subsurface area surrounding a water well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field.
- 2) “Water Well” means any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal property of the ground or extracting water from or injecting water into the underground water. “Water well” shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals or products mined or quarried or inserting media to repressure oil or natural gas bearing formation.

SECTION 6-321: WELLHEAD PROTECTION; INTENT

- 1) The intent of this section is to establish control by the City over the location of future potential sources of contamination within the City and the extraterritorial jurisdiction of the City’s drinking water system, so as to prevent or minimize any hazards to the safety of the City’s drinking water.

SECTION 6-322: WELLHEAD PROTECTION; DESIGNATION

- 2) The City of Albion hereby designates a Wellhead Protection Area for the purpose of protection of the public water system. The boundaries of the Wellhead Protection Area are set forth and the delineation is based upon a map prepared by the Nebraska Department of Environmental Quality presented to the City. The map shall become and is incorporated into the terms of the Albion City Code as is set forth herein and such map shall be further identified as Wellhead Protection Area Map – City of Albion 2002: Ordinance No. 144(04); and, Wellhead Protection Area Map - City of Albion 2014: Ordinance No. 229(14).

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SECTION 6-323: WELLHEAD PROTECTION; RULES AND REGULATIONS; MINIMUM SEPARATION

- 1) In accordance with Title 179 Chapter 7, Nebraska Department of Health: Siting, Design, and Construction of Public Water Supply, the minimum horizontal distance in feet separating a city water supply well from potential sources of contamination shall be as described below:

Category	Distance Feet
All water wells, including but not limited to: domestic supply wells, irrigation wells, stock wells and heat pump wells	1,000
Sewage lagoon	1,000
Absorption or disposal field for waste	1,000
Feedlot or feedlot runoff	1,000
Corral	500
Pit toilet	500
Sanitary landfill / Dump	500
Chemical or petroleum product storage	500
Septic tank	500
Sewage treatment plant	500
Sewage wet well	500
Sanitary sewer connection	100
Sanitary sewer manhole	100
Sanitary sewer line	50

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

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SECTION 6-324: WELLHEAD PROTECTION; WELL PERMITS

- 1) It shall be unlawful to place, construct, or replace any of the water wells located within the city limits except for the purpose of geothermal property of ground through closed loop geothermal systems or for the purpose of groundwater monitoring, which must be approved by permit.
- 2) The construction of a geothermal closed loop or a groundwater monitoring well within the corporate limits or construction of a water well within one mile of the corporate limits of the city shall not be started unless a permit approved by the Water Commissioner has been obtained.
- 3) The City may consider permits to allow placement of water wells within one mile of the corporate limits and for closed loop geothermal wells or a groundwater monitoring well as under criteria defined by the Nebraska Regulations governing public water supply systems (Title 179, NAC 2) and Nebraska Regulations governing water well construction, pump installation and water well abandonment standards (Title 178, NAC 12), as amended from time to time.

Placement shall be allowed only under the following conditions:

- a. The City shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of the filing of the application. Any additional costs which are reasonably incurred by the engineer when making his/her examination and report shall be paid by the applicant in addition to any previously paid estimated costs.
 - b. The Water Commissioner shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in Section 6-320, the City must act to prevent all sources of possible or likely contamination.
 - i. If, in the opinion of the Water Commissioner, the proposed use poses a risk of contaminating a city water supply well, he/she shall deny the permit. The applicant may appeal the decision of the Water Commissioner to the City Council by filing a written appeal with the City Clerk within 30 days of the Water Commissioner's decision. Appeal of the decision of the City Council shall be to the District Court of Boone County, Nebraska, within 30 days of the City Council's decision.
- 4) Water wells in existence and use on or before January 21, 2004 shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the City. The owner of any water well shall have the burden of establishing the existence and use of such well on or before January 21, 2004.

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SECTION 6-325: WELLHEAD PROTECTION; CONTAMINATION SOURCE PERMITS

- 1) Any person desiring to erect a new contamination source or enlarge an existing one shall file an application for a permit with the Water Commissioner on a form furnished by the City for that purpose. The Water Commissioner may approve a permit which conforms to the distance requirements of this section. If, however, in the opinion of the Water Commissioner, the proposed use poses a risk of contaminating a city water supply well, he/she shall deny the permit. The applicant may appeal the decision of the Water Commissioner to the City Council by filing an appeal with the City Clerk within 30 days of the Water Commissioner's decision. Appeal of the decision of the City Council shall be to the District Court of Boone County, Nebraska, within 30 days of the City Council's decision.

The City Council may consider the location of potential contaminant sources in closer proximity than the minimum distances listed within SECTION 6-323. Approval for such location will then be given when circumstances require such location and when, in the opinion of the City Council and the Nebraska State Department of Health, a professional engineer, retained by the applicant, demonstrates that such location will not constitute a pollution hazard to the City's water supply.

- 2) Fees for contamination source permits shall be established by resolution of the City Council.
 - a. The provisions of these regulations shall apply to all land within the corporate limits of the City; and that portion of the unincorporated area within one mile of the corporate limits of the City.
 - b. The provisions of this section shall supersede any land use regulation which allows the installation of a potential contaminant source on a parcel of land. Nothing in this section shall be construed to allow the installation of any category of contamination source which is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance.

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SECTION 6-330: BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

For the purposes of this article, the following terms shall mean:

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

"Approved tester" means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the City.

"Authorized representative" means any person designated by the City to administer this cross connection control ordinance. Unless designated by the City Council, the authorized representative shall be the Water Commissioner or any other person he/she may delegate.

"Auxiliary water system" means any water source system that may be available to the building or premises, other than the public water supply.

"Backflow" means the flow other than the intended direction of flow of any foreign liquids, gases or substances into the water distribution system.

"Backsiphonage" means the flowing back of water or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system; provided backflow preventers have been tested and approved by a reputable testing laboratory.

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

"Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.

"Contamination" means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

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"Degree of hazard" means an evaluation of the potential risk to the public health and the adverse effect of the hazard upon the potable water system.

1. Hazard, health - any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and wellbeing of the water consumer.
2. Hazard, plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separator or backflow prevention device.
3. Hazard, polluttional - an actual or potential threat to the physical properties of the water system or to the potability of the public or consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
4. Hazard, system - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance or system.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrades its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

"Public potable water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

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

"Water department" means the city water department of the City of Albion, Nebraska.

SECTION 6-331: BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE

- 1) The purpose of these backflow regulations is:
 - a. To protect the public potable water supply system of the City from the possibility of contamination or pollution within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
 - b. To promote the elimination, containment, isolation or control of existing cross connections actual or potential, between the public or consumer's potable water systems and nonpotable water systems, plumbing fixtures and industrial process systems.

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- c. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- 2) Application: These backflow/backsiphonage prevention regulations shall apply to all premises served by the public potable water system of the City.
- 3) Policy: These backflow/backsiphonage prevention regulations will be reasonably interpreted. It is the City's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The city water department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within consumer's own premises.

SECTION 6-332: BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED

- 1) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the City and as required by the laws and regulations of the Nebraska Department of Health or its authorized representative.
- 2) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.
- 3) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the city water department as necessary for the protection of health and safety.

SECTION 6-333: BACKFLOW/BACKSIPHONAGE PREVENTION; PROHIBITION ON AUXILIARY WATER SYSTEM

It shall be unlawful for any person to maintain any auxiliary water supply system which is physically connected to the public potable water system in any manner.

SECTION 6-334: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION

- 1) The consumer's premises shall be open at all reasonable times to the City or its authorized representative for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system.
- 2) On request by the City or its authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises and in the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the City or its authorized representative.

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SECTION 6-335: BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED

- 1) An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the Water Commissioner a health, plumbing, pollution or system hazard exists.
- 2) An approved air gap separation or backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water department, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following:
 - a. Premises having internal cross-connections which are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
 - b. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist;
 - c. Premises having a repeated history of cross connections being established or re-established.
 - d. Premises which, due to the nature or the enterprise therein, are subject to recurring modification or expansion;
 - e. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - f. Premises where toxic or hazardous materials are handled such that if a backsiphonage or backpressure should occur, a serious health hazard may result.
- 3) The following types of facilities fall into one or more of the categories of premises where an approved air gap separation or approved backflow prevention device may be required by the City or its authorized representative or the Nebraska Department of Health to protect the public water supply, and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the City or its authorized representative and the Nebraska Department of Health:
 - a. Agricultural chemical facilities;
 - b. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;
 - c. Premises having water recirculating systems as used for boilers or cooling systems;
 - d. Bulk water loading facilities;
 - e. Car washes, automobile servicing facilities;
 - f. Chill water systems;
 - g. Feedlots;
 - h. Fire suppression systems;
 - i. Hazardous waste storage and disposal sites;
 - j. Irrigation and lawn sprinkler systems;
 - k. Laundries and dry cleaning;

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- l. Beauty salons, barbershops, massage parlors, health clubs;
- m. Schools;
- n. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
- o. Testing laboratories, film laboratories, film development facilities;
- p. Food or beverage processing plants;
- q. Chemical or petroleum processing and storage plants;
- r. Packing houses;
- s. Premises having radioactive materials, such as laboratories, industries and hospitals;
- t. Veterinary establishments, kennels, feed yards, stables, rodeo grounds, stockyards, pet grooming salons;
- u. Properties with any of the following conditions:
 - i. Livestock waterers and tank fillers;
 - ii. Use of hose aspirators for spraying chemicals;
 - iii. Swimming pools, hot tubs and spas;
 - iv. Faucets, hydrants and hose bibs with hose threads;
 - v. Plumbing fixtures with faucet mouth below rim;
 - vi. Water softeners and home water treatment systems;
 - vii. Heat pumps;
 - viii. Heat exchangers using coils or water jackets;
 - ix. Soft drink dispenser and bar carbonators;
 - x. Commercial type flush valve urinals and toilets;
 - xi. Bidet or sitz bath;
 - xii. Trough urinal.
- v. Other commercial or industrial facilities which may constitute potential cross-connection.

SECTION 6-336: BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED

- 1) The type of protection required under Sections 6-330 through 6-335 of this article shall depend on the degree of hazard that exists as follows:
 - a) An approved air gap shall be installed where the potable water supply system may be contaminated with any substance that could cause a severe health hazard;
 - b) An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard;
 - c) An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

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SECTION 6-337: BACKFLOW/SACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

Any approved backflow prevention device required by Sections 6-330 through 6-3336 shall be of a model or construction approved by the City or its authorized representative and the Nebraska Department of Health.

- 1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
- 2) Double check valve assemblies or reduced pressure principal backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection, maintenance and performance standards.
- 3) Any backflow preventer which does not meet current protection standards shall be replaced with an approved backflow preventer at the consumer's expense.

SECTION 6-338: BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION

- 1) Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the City or its authorized representative. All devices shall be installed at the expense of the consumer.
- 2) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or as close to the meter as is reasonably practical, and in any event, prior to any other connection.
- 3) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

SECTION 6-339: BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City or its authorized representative. Actual testing shall be at the expense of the consumer. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City. If testing shall require entry into the premises, the City's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten days in advance by first class mail. If the consumer cannot make the appointment, consumer shall contact the City's authorized representative to arrange another date and time.

SECTION 6-340: BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE

The authorized representative shall have the authority to issue any order consistent with the provisions of Sections 6-330 through 6-339 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by first class mail.

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SECTION 6-341: BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of Sections 6-330 through 6-340 has been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by this article, the owner may file a written notice of appeal with the City Clerk within ten days after the decision or order of the authorized representative has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Appeals shall be in writing and shall state the reason for the appeal.

SECTION 6-342: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS

- 1) The City or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the City or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
- 2) Water service to such premises shall not be restored until the consumer is in compliance with this cross connection ordinance to the satisfaction of the City or its authorized representative.

SECTION 6-343: BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS

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

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SECTION 6-350: RULES AND REGULATIONS; WATER DEPARTMENT; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the Uniform Plumbing Code, International Code Council Plumbing Codes, and the rules and regulations of the Nebraska Department of Health. In the event of conflicting provisions, the Water Commissioner shall determine applicability and may apply the most restrictive.

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ARTICLE IV -SEWER DEPARTMENT

SECTION 6-401: TERMS DEFINED

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

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

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

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

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

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

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

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

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

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

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer main" shall mean any city owned sewer other than a service line, building sewer, or house sewer that is used for the purpose of carrying sewage to the wastewater treatment facility.

"Sewer system" as used in this Code shall mean and include all facilities for collecting, pumping, treating and disposing of sewage.

"Service line" shall mean the building or house sewer line 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.

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"Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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

"Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 6-402: OPERATION AND FUNDING

The Mayor and City Council hereby find and determine that the City of Albion owns a sewer system and wastewater treatment facility and operates the same through the Sewer Commissioner, and said City hereby adopts the following as the rules and regulations in construction, use, and management of the city sewer system, mains, and any portions and/or extensions thereof, which will govern in the operation of the sewer system and wastewater treatment facility.

The City Council, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the sewer system, may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

- 1) Maintain the proportional distribution of OM&R costs among users and user classes;
- 2) Generate adequate revenues to pay the costs of OM&R;
- 3) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

The revenue from the said user charge shall be known as the Sewer Fund for the purpose of operating, maintaining, and replacing the sewer distribution system and sewer disposal facilities of the City and shall remain in the custody of the City Treasurer.

The billing of said user charge shall occur in the same manner as the Water Department billing and as provided in *CHAPTER 6, ARTICLE I – UTILITIES GENERALLY*. Rates for said user charge may be changed at any time as established by ordinance in *CHAPTER 6, ARTICLE I – UTILITIES GENERALLY*.

The Sewer Commissioner shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. The Sewer Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the City Council. (Ref. 17-149, 17-925.01 RS Neb.)

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SECTION 6-403: INSTALLATION PROCEDURE; SEWER

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without first securing a plumber's license from the City Code Official and without first obtaining permission from the Sewer Commissioner. {See *ARTICLE 2: PLUMBERS*} Furthermore, all work performed shall comply with the sewer system rules and regulations, city codes, and/or acceptable plumbing practices as determined by the City Sewer Commissioner.

In making excavations in streets, alleys or sidewalks for the purpose of installing sewer pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade, which shall be accompanied by warning lights if left open during the night. After the installation or repair is complete, the public ways and property shall be restored to good condition. If the excavation of the public ways and property is left open or unfinished for a period of 24 hours or more, the Sewer Commissioner shall have the right to properly complete the work, and all expenses incurred in doing so shall be charged to the consumer responsible for the excavation. All installations or repairs covered by this section shall require two inspections by the Sewer Commissioner. The first inspection shall be made after the installation or repair is complete but before the work is covered. The second inspection shall be made after the service restored. It is the consumer's responsibility to notify the Sewer Commissioner when the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the Sewer Commissioner.

(Ref. 17-149 RS Neb.)

SECTION 6-404: INSTALLATION EXPENSE

The consumer, upon approval and connection of a private sewer service to the public main, shall pay a tap fee in such amount as shall be set by resolution of the City Council and kept on file with the City Clerk. The consumer shall then pay the cost of all materials, as well as the installation thereof by a licensed plumber, from the sewer tap to the building sewer. (Ref 17-149 and 17-925.01 RS Neb.)

SECTION 6-405: INSTALLATION OUTSIDE CORPORATE LIMITS; CONDITIONS

The department shall not supply sewer service to any property located outside the corporate limits without the approval of a preliminary plat of the subdivision to be served, the property owner first requesting annexation of the property to be served, and specific approval of all utility construction plans and specifications by the City Council; provided, the entire cost of laying mains and service lines shall be paid by the property owner. Nothing herein shall be construed to obligate the City to provide sewer service to non-residents. (Ref. 19-2701 RS Neb.)

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SECTION 6-406: REPAIRS AND MAINTENANCE

The City shall repair or replace, as the case may be, all pipe constituting sewer mains. It shall be the responsibility of the consumer to repair or replace all other sewer pipe and appurtenances upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public sewer main. All replacements and repairs made by the consumer shall be done in the manner and with materials approved by the Sewer Commissioner.

Whenever repairs or replacement is deemed necessary by the Sewer Commissioner, he/she shall give the property owner notice by 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 ten (10) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Sewer Commissioner may cause such work to be done and assess the cost upon the property served by such connection. In an emergency situation, the Sewer Commissioner will notify the property owner by phone or in person to repair or replace such connection line within 48 hours. Upon the Sewer Commissioner's discretion he may cause such work to be done and assess the cost upon the property served by such connection.

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without first securing a plumber's license from the City Code Official and without first obtaining permission from the Sewer Commissioner. {See *ARTICLE 2: PLUMBERS*} Furthermore, all work performed shall comply with the sewer system rules and regulations, city codes, and/or acceptable plumbing practices as determined by the City Sewer Commissioner.

(Ref. 17-149 RS Neb.)

SECTION 6-407: BUILDING SEWER INSTALLATION; MATERIALS

The building sewer and joint materials shall meet the current International Plumbing Code standard. Joints shall be tight and waterproof. (Ref. 17-149 RS Neb.)

SECTION 6-408: BUILDING SEWER INSTALLATION; CONSTRUCTION CODES, CONNECTIONS

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 current International Plumbing Code or other applicable rules and regulations of the City. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. 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.

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The connection of the building sewer into the public sewer main shall conform to the requirements of the current International Plumbing Code or other applicable rules and regulations of the City.

The connection of the building sewer into the public sewer shall be made at a "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located "Y" branch is available, the owner shall at his/her expense install a "Y" branch in the public sewer at the location specified by the Sewer Commissioner. Where the public sewer is greater than 12 inches in diameter and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45 degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connections only when approved by the Sewer Commissioner. Any deviation from the prescribed procedures and materials must be approved by the Sewer Commissioner before installation.

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

(Ref. 17-149 RS Neb.)

SECTION 6-409: 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 City or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste. (Ref. 17-149 RS Neb.)

SECTION 6-410: UNLAWFUL DISCHARGE OF UNTREATED SEWAGE

It shall be unlawful to discharge to any natural outlet within the City, or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article. (Ref. 17-149 RS Neb.)

SECTION 6-411: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain within city limits any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ref. 17-149 RS Neb.)

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SECTION 6-412: PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial process waters into the sanitary sewer.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Sewer Commissioner. Industrial cooling water or unpolluted process water may be discharged, with the written approval of the Sewer Commissioner, to a storm sewer, combined sewer or natural outlet.

(Ref. 17-149 RS Neb.)

SECTION 6-413: 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, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- 2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- 3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- 4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 5) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- 6) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).
- 7) Any garbage that has not been properly shredded.
- 8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- 9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(Ref. 17-149 RS Neb.)

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SECTION 6-414: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided when, in the opinion of the Sewer Commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Sewer Commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be effectively maintained by the owner, at his/her expense.

(Ref. 17-149 RS Neb.)

SECTION 6-415: 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 continuously maintained in satisfactory and effective operation by the owner at his/her expense. (Ref. 17-149 RS Neb.)

SECTION 6-416: CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the Sewer Commissioner, 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 accessible and safely located, and shall be constructed in accordance with plans approved by the Sewer Commissioner. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times. (Ref. 17-149 RS Neb.)

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SECTION 6-430: RULES AND REGULATIONS; SEWER DEPARTMENT; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the Uniform Plumbing Code, International Code Council Plumbing Codes, and the rules and regulations of the Nebraska Department of Health and Nebraska Department of Environmental Quality. In the event of conflicting provisions, the Sewer Commissioner shall determine applicability and may apply the most restrictive. (Ref. 17-149 RS Neb.)

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ARTICLE V - SOLID WASTE DISPOSAL

SECTION 6-501: DEFINITIONS

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

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

"Junk" shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof, and other old and scrap ferrous or nonferrous material.

"Litter" shall mean all waste material susceptible to being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state, but does not include wastes of primary processes of farming or manufacturing.

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

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

"Waste" shall mean sewage, industrial waste, and all other liquid, gaseous, solid, radioactive or other substances which may pollute or tend to pollute any air, land or waters of the State.

SECTION 6-502: GARBAGE; TRASH AND WASTE

All garbage, litter, refuse, and/or rubbish must be kept in durable bags of such a nature that they can be easily placed in trucks or placed in a dumpster or similar container. All persons within City limits shall have their garbage removed at least once a week by the regular city solid waste system. Grass, leaves or worthless vegetation may be used as a ground mulch or in a compost pile and shall not be in violation unless injurious to the public health. (Ref. 19-2106, 17-123 RS Neb.)

SECTION 6-503: DEAD ANIMALS

All dead animals shall be immediately removed by the owner of such animals; if the owner of such animal cannot be found within two hours after discovering the same, then such animal shall be removed by and at the expense of the City. Dead animals shall not be buried within the corporate limits of the City, nor within one mile thereof, nor in or above the course of groundwater that is used for drinking purposes by the City or its inhabitants. (Ref. 17-114, 17-123 RS Neb.)

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SECTION 6-504: HAZARDOUS WASTE

The City of Albion, Nebraska, and the contractor for hauling and disposing of solid waste for the City shall not be responsible for removal of hazardous waste. Hazardous waste shall not be placed in the regular disposal system. If any resident or business in the City has hazardous waste, the hazardous waste must be disposed of by a person or organization that is authorized and equipped to dispose of hazardous waste and must be disposed of in an area where hazardous waste is authorized by federal and state laws, rules or regulations. The following items are not to be disposed of in the regular disposal system or commingled with any of the items mentioned above: oil, paint, lead acid batteries, tires, fertilizer, chemicals, animal manure, household appliances, and oil waste. (Ref. 17-114, 17-123 RS Neb.)

SECTION 6-510: GARBAGE AND REFUSE COLLECTION; AUTHORITY

The City Council may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate limits or zoning jurisdiction or upon the streets, roads, or alleys abutting such lot or land which constitutes a public nuisance. The City may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, road or alleys. (Ref. 18-1752 RS Neb.)

SECTION 6-511: GARBAGE AND REFUSE COLLECTION; NOTICE, REMOVAL

Notice that removal of garbage or refuse is necessary shall be given to the property owner or their duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the City through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads or alleys. (Ref. 18-1752 RS Neb.)

SECTION 6-512: GARBAGE AND REFUSE COLLECTION; NUISANCE

If the mayor declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the City shall remove the garbage or refuse, or cause it to be removed, from such lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with Section 6-511 if such garbage or refuse has not been removed. (Ref. 18-1752 RS Neb.)

SECTION 6-513: GARBAGE AND REFUSE COLLECTION; LIEN

Whenever the City removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this article, it shall after a hearing conducted by the City Council assess the cost of the removal against such lot or land. (Ref. 18-1752 RS Neb.)

CHAPTER VI PUBLIC UTILITIES

SECTION 6-520: RULES AND REGULATIONS; SOLID WASTE DISPOSAL; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the rules and regulations of the Nebraska Department of Health and Nebraska Department of Environmental Quality. In the event of conflicting provisions of this ordinance with other ordinances or rules and regulations, the City Clerk shall determine applicability and may apply the most restrictive.

CHAPTER VI PUBLIC UTILITIES

ARTICLE VI -PENAL PROVISION

SECTION 6-601: VIOLATION; PENALTY

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