

CHAPTER VI PUBLIC UTILITIES

ARTICLE I - UTILITIES BILLING AND PROCEDURES

SECTION 6-101: UTILITY DEPOSITS

Residential Utility Deposit Requirements:

A deposit for each new residential utility service shall be required from any residential user in the following amounts prior to the initiation of any utility services:

Water:	\$ 30.00
Sewer:	\$ 30.00
Electricity (no gas service)	\$150.00
Electricity (with gas service)	\$ 75.00
Gas	\$ 75.00
Garbage	\$ 15.00

Such deposit shall be returned to such user whenever the above named utility service is discontinued, after deducting from said deposit any and all amounts due to the City for water, sewer, electricity, gas or garbage service furnished, including charges for labor and materials.

After at least two (2) years of continuous service to the residential customer, if the monthly payments for the account have been made promptly, with no delinquent payments and no more than four (4) payments made past the due date during the immediately preceding 24 month period, the customer's deposit shall be refunded.

Commercial Utility Deposit Requirements:

Except as provided below, all utility service accounts established under the commercial rate structure shall be required to maintain a deposit in an amount to be determined by the utilities office as set forth in this section.

Deposits for any new account, or for any account for which service is reinstated after being disconnected for nonpayment, shall be maintained in the amount of not less than \$300.00, nor more than \$2,000.00, as determined by the utilities office. The exact amount of the deposit required should be equal to the entire utility bill of the highest usage month of the preceding 12 months of continuous utility usage.

The commercial utility deposit required herein shall be refunded to the commercial customer when the utility service has been disconnected, whether at the request of the customer or for non-payment of the customer's bill, OR a new account has been created for said service with a different customer, and a final reading has been taken. Any deposit on hand, minus any amount of unpaid billings, including penalties and other charges, shall be refunded to the customer.

After at least two (2) years of continuous service to the commercial customer, if the monthly payments for the account have been made promptly, with no delinquent payments and no more than four (4) payments made past the due date during the immediately preceding 24 month period, the customer's deposit shall be refunded.

SECTION 6-102: BILLS FOR ALL UTILITIES

All bills for city utilities shall be due and payable on receipt and delinquent after the 10th of the month. A penalty of 10% shall be charged on all bills not paid on or before the 10th of the month, and all delinquencies thereafter shall bear interest at the highest rate allowed by law. The City shall have the right to discontinue service immediately on all delinquent accounts and without further notice except as provided by law. For each utility, a fee of \$10.00 shall be charged to the consumer for each service call to connect or disconnect the customer's service due to a delinquent bill.

SECTION 6-103: INCORPORATION OF POLICIES AND PROCEDURES

The mayor and City Council may establish from time to time policies and procedures for the governing and operation of the city utilities. Such policies and procedures are duly published and available for public inspection by all residents and other interested parties during normal city business hours. The said published policies and procedures be and hereby are incorporated as part of the ordinances of the City of Central City, Nebraska, and are to be given the same force and effect as all other ordinances incorporated herein.

SECTION 6-104: PENAL PROVISION

Anyone violating any of the terms and conditions of the policies and procedures adopted herein shall be guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law.

ARTICLE II - WATER DEPARTMENT

SECTION 6-201: OPERATION AND FUNDING

The mayor and City Council hereby find and determine that the City of Central City owns and operates a waterworks plant and water system in and for the City, and said city hereby adopts the following as the rules and regulations and services and usage of the city waterworks plant and water system, which will govern in the operation of the system.

For the purpose of defraying costs of the care, management and maintenance of the city waterworks plant and water system, the City may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation; and that revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the city treasurer; that the utilities superintendent shall have the direct management and control of the city water system and shall faithfully carry out the duties of his/her office. The water superintendent shall have the authority to prepare rules and regulations for the sanitary and efficient management of the water system subject to the approval, supervision and review of the City Council. The City Council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection at any reasonable time.

SECTION 6-202: TERMS DEFINED

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

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

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

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

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

SECTION 6-203: CONSUMER'S APPLICATION

Every person or persons desiring a supply of water must make application to the city clerk upon the blanks to be furnished by him/her for that purpose. The applicant shall be required to accompany his/her application with a meter deposit, said fee to be set from time to time by resolution of the City Council. Water may not be supplied to any house or private service pipe except upon the order of the water superintendent. The department shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the City to provide water service to non-residents.

SECTION 6-204: WATER CONTRACT

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

SECTION 6-205: INSTALLATION EXPENSE AND PROCEDURE

The City shall carry the water service to the approximate lot line and furnish and install the necessary curb cock and housings at the expense of the City and shall furnish the meter and stop and waste valve, which shall at all times, be and remain the property of the City and shall be paid therefor a service charge, which shall be the sum of the cost of material used, hourly charge for use of mechanical equipment and the cost of labor expended. Such service shall be provided through a pipe of 3/4" diameter or more. Nothing herein contained shall be construed as requiring the City to extend its mains or to render service unless the mains shall be immediately adjacent to the property to be served. Where the mains are not immediately adjacent to the property and the owner shall desire service, the City will furnish 40' of pipe, install the necessary curb cock and housing and furnish the meter and stop and waste valve, and the customer will furnish all other necessary pipe and all labor for the service charge hereinabove set forth. The meter shall be installed horizontally and with the flow of the water. The customer must install the meter furnished by the City and shall keep his/her

service pipes, stop cocks and other apparatus in good repair at his/her own expense. The water superintendent or his/her agent shall have the exclusive power to repair and test all meters and the City may charge the customer the reasonable value for making any repairs or furnishing any new parts required for any cause other than ordinary wear. Upon the refusal of the owner to pay for any such part or repairs, the water upon proper notice shall be shut off and not turned on again until all charges and penalties have been paid.

SECTION 6-206: STOP AND WASTE COCK

There shall be a stop and waste cock attached to every supply pipe at a point in the building so as to admit watering being shut off in frosty weather and the pipe being emptied.

SECTION 6-207: EXCAVATION; INSPECTION

In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the water superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require two inspections by the water superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the first work is completed and the service is restored. It is the consumer's responsibility to notify the water superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the terms established by the water superintendent.

SECTION 6-208: NON-RESIDENT INSTALLATION EXPENSE

Applicants for water service whose property is situated outside the corporate limits of the City shall pay tap or connection fees in such sum as the mayor and City Council shall, in each case, fix; provided, however, nothing herein shall be construed to obligate the City to furnish water service to non-residents unless it is able to do so without overloading its pumps, machinery or other equipment.

SECTION 6-209: REPAIRS AND MAINTENANCE

The City shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The consumer, at his/her own expense, shall replace and keep in repair all service pipes from the stop box to the place of disbursement. When leaks occur in service pipes, the water superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the water superintendent. All water meters shall be kept in repair by the City at the expense of the city. When meters are worn out, they shall be replaced and reset by the City at the expense of the City, provided that if the

customer permits or allows a water meter to be damaged, injured or destroyed through his/her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the city clerk shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided that if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the City. The City reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the City shall always have the right to place a new meter on the consumer's water service fixtures at city 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 monthly consumption during the same month of the preceding year; provided that if no such basis for comparison exists, the consumer shall be charged such amount as may be reasonable, fixed by the water superintendent. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately.

SECTION 6-210: MINIMUM RATES

All water consumers shall be liable for the minimum rate per month as established from time to time by resolution of the City Council. In the event the consumer shall, by written order, direct the water superintendent to shut off the water at the stop box, he/she shall not be liable thereafter for water rental until the water is turned on again.

SECTION 6-211: FEES AND COLLECTIONS

The City Council has the power and authority to fix by resolution the rates to be paid by the water consumers for the use of water from the water department. Such fee resolution shall be on file for public inspection at the office of the city clerk. The city clerk shall bill the consumers and collect all money received by the City on the account of the water department. He/she shall faithfully account for, and pay to the city treasurer, all revenue collected by him/her, making his/her receipt therefore in duplicate, keeping one and filing the other in the water department's official records.

SECTION 6-212: WATER BILLS

All users for city water shall be billed quarterly. All bills for water shall be paid in accordance with the provisions of Section 6-102 of this code.

SECTION 6-213: MANDATORY HOOK-UP

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice of the City Council, to hook up with the city water system.

SECTION 6-214: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The city clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. Any time after a 60 day delinquency, the City Council may direct the city clerk to certify to the county clerk any delinquent water charges to be collected as a special tax in the manner provided by law.

SECTION 6-215: SINGLE PREMISE

No consumer shall supply water to other families or allow them to take water from his/her premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension or attachment without the written permission of the water superintendent. Each tenant or lessee shall be responsible for all water service used in any space rented or leased by him. Each separate apartment or other leased premise shall be deemed to be a separate user of the city water supply, and shall be required to pay any deposit and use fees as established by resolution of the City Council and placed on file in the office of the city clerk. It shall further be unlawful for any person to tamper with any water meter, or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or, while passing through said meter, to cause the meter to register inaccurately.

SECTION 6-216: RESTRICTED USE; LIABILITY OF CITY

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

SECTION 6-217: 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 6-218: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the city water department.

SECTION 6-219: INSPECTION

The water superintendent, or his/her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premises and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

SECTION 6-220: WATER SERVICE CONTRACTS

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

SECTION 6-221: DESTRUCTION OF PROPERTY

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

SECTION 6-222: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the water superintendent may appear before the City Council and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of water, or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer 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.

SECTION 6-223: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

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

For purposes of this section, lead free shall mean:

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

SECTION 6-224: BACKFLOW/BACKSIPHONAGE PREVENTION: STATEMENT OF POLICY

The purpose of these backflow regulations is:

1. To protect the public potable water supply of the city water system from 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 water supply system.
2. 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 non-potable water systems, plumbing fixtures and industrial process systems.
3. 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.

Application/Interpretation: These regulations shall apply to all premises served by the public potable water system of the City. These 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 water department shall be primarily responsible for protection of the public water distributions 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 6-225: BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

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

Air Gap. Used to prevent either backflow or backsiphonage, and air-gap separation is 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 flood level rim of the receptacle.

Approved Tester. 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. Any person designated by the City to administer these cross connection control regulations. Unless designated by the City Council, the authorized representative shall be the water superintendent or any other person he/she may delegate.

Auxiliary water supply. Any water source system, other than the public water supply, that may be available in the building or premises.

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

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

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

Consumer. The owner or person in control of any premises supplied by or in any manner connected to a public water system.

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

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

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

Hazard, Degree of. An evaluation of the potential risk to 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 a danger to the health and well-being 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 separation or backflow prevention device.

3. Hazard, Pollution - an actual or potential threat to the physical properties of the water system or to the consumer's potable water system, but which constitute a nuisance or

be aesthetically objectionable or could cause damage to the system, 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. Protection of facility service line by installing a cross connection control device or air gap separation on an individual fixture or system.

Pollution. The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade 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. 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. 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. The city water department of the City of Central City, Nebraska. customer's water distribution system shall be made in such a manner:

SECTION 6-226: BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED

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 of the State or regulations of the Nebraska Department of Health or its authorized representative.

No 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 water department as necessary for the protection of health and safety.

SECTION 6-227: BACKFLOW/BACKSIPHONAGE PREVENTION; PROHIBITION ON AUXILIARY WATER SYSTEMS

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 6-228: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION

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 in the consumer's water system.

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.

SECTION 6-229: BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED

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 City or its authorized representative, a health, plumbing, pollution or system hazard exists.

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 situations:

1. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
2. 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.
3. Premises having a repeated history of cross connections being established or re-established.
4. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.

5. 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 or process waters and cooling waters.

6. Premises where toxic or hazardous materials are handled such that if a backsiphonage or back -pressure should occur, a serious health hazard may result.

The following types of facilities fall into one or more of the categories or 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 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:

1. agricultural chemical facilities;
2. hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;
3. premises having water recirculating systems as used for boilers or cooling systems;
4. bulk water loading facilities;
5. car washes, automobile service facilities;
6. chill water systems;
7. feedlots;
8. fire suppression systems;
9. hazardous waste storage and disposal sites;
10. irrigation and lawn sprinkler systems;
11. laundries and dry cleaning;
12. beauty salons, barbershops, massage parlors, health clubs;
13. schools;
14. sewage treatment and pumping stations;
15. testing and film laboratories;
16. food and beverage processing plants;
17. chemical or petroleum processing and storage plants;
18. packing houses;
19. premises having radioactive materials, such as laboratories, industries and hospitals;
20. veterinary establishments, kennels, feed yards, stables, rodeo grounds, pet grooming salons;
21. properties with any of the following conditions:
 - a. livestock waters and tank fillers
 - b. use of hose aspirators for spraying chemicals
 - c. swimming pools, hot tubs and spas
 - d. faucets, hydrants and hose bibs with hose threads
 - e. plumbing fixtures with faucet mouth below rim
 - f. water softeners and home water treatment systems
 - g. heat pumps
 - h. heat exchangers using coils or water jackets
 - i. soft drink dispensers and bar carbonators
 - j. commercial type flush valve urinals and toilets

- k. bidet or sitz bath
 - l. trough urinal;
22. other commercial or industrial facilities which the City determines may constitute potential cross connection.

SECTION 6-230: BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED

The type of protection required by these regulations shall depend on the degree of hazard, which exists, as follows:

1. An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.
2. 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.
3. 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.

SECTION 6-231: BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

Any backflow prevention device required by these regulations 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 principle backflow prevention devices shall appear on the current list of the approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time these regulations were passed and complied with the required inspection, maintenance and performance standards.
3. Any backflow prevention device, which does not meet current protection standards, shall be replaced with an approved backflow preventer at the customer's expense.

SECTION 6-232: BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION

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.

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 meter as is reasonably practical, and in any event, prior to any other connection.

Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, where a part of the device will be submerged or subject to flooding by any fluid and installed according to manufacturer's recommendations.

SECTION 6-233: 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 6-234: BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE: AUTHORITY

The authorized representative shall have the authority to issue any order consistent with the provisions of these regulations 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.

SECTION 6-235: BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of these regulations have 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 premise make it unreasonably difficult to meet the literal requirements prescribed by these regulations, 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 6-236: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATION AND PENALTIES

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.

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.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of these regulations shall be deemed guilty of a misdemeanor, and shall be fined no less than the amount allowed by Nebraska law for violation of a municipal ordinance for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 6-237: BACKFLOW/BACKSIPHONAGE PREVENTION; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of these regulations shall be read as concurrent provisions with the rules and regulations of the Nebraska Department of Health. In the event of conflicting provisions, the most restrictive shall apply.

SECTION 6-238: 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 carrying out the provisions of this title shall be defined by the City or the City's insurance carrier, if any, through final determination of such proceeding.

SECTION 6-239: WELLHEAD PROTECTION

1. Purpose. The purpose of this section is to establish controls over the location and construction of future potential sources of contamination of the City's public water supply, or expansion or modification of current sources within the municipal limits and its extraterritorial jurisdiction so as to prevent any hazard to the City's potable water and water source.

2. Definition. Water well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, screened, and cased, for the purpose of exploring for groundwater, monitoring ground water, extracting ground water from an underground aquifer or used as part of a geothermal or like system.

3. Prohibitions. It shall be unlawful to place, maintain, construct, modify, expand or replace any of the following facilities or structures or to discharge any of the following materials within the horizontal distances set out below from any point on the boundary of the City's public water supply wells:

1,000 feet:

- Water well (Drinking, Irrigation, or any open looped heat pump or injection system)
- Sewage lagoon
- Irrigation or industrial well (unless special permit is obtained from State of Nebraska)
- Feed lot, Feed lot runoff, or animal waste disposal
- Dump
- Sanitary Landfill

500 feet:

- Closed loop heat pump system
- Absorption or disposal field for waste
- Cesspool
- Corral or animal enclosure
- Chemical Storage(Dry or Liquid)
- Petroleum product storage
- Pit toilet
- Septic tank
- Sewage treatment plant
- Sewage wet well
- Land application of solid or liquid waste
- Sanitary or Industrial Discharge

100 feet:

- Sewer connection
- Sewer manhole

50 feet:

- Sewer line

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

4. Nonconforming use. Any nonconforming uses existing on the date of passage of this ordinance are exempt, unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the City's water system. The owner of any existing well shall have the burden of establishing the existence and use of such well at the time of the effective date of the passage of this section.

5. Permit requirement. Any person desiring to emplace a possible new contamination source or enlarge or modify an existing one or dig a well of any kind anywhere within the city limits or within its one-mile extraterritorial jurisdiction, shall file an application for a permit with the City's building inspector/code enforcement officer.

Application will include:

- a. Location of proposed well
- b. Depth of proposed well
- c. Size and type of casing to be installed
- d. Type of grouting to be used
- e. Pumping equipment to be used
- f. Name and address of well driller.
- g. Assurance that no water from the private well shall be used for domestic purposes, but shall be used solely for lawn or agricultural irrigation and garden irrigation or for water used in heating or cooling equipment. Any permits required by the State of Nebraska or the Natural Resources District will be submitted prior to issuance of a permit by the City. Disposal of water for heating or cooling shall be through reinjection back to the same level of aquifer, except that during the spring, summer and fall months, such water used for heating or cooling may be used for irrigation of lawn or garden. No water from the private well shall be allowed to run off into a city storm or wastewater sewer. In addition, assurance shall be given that water from the private well shall be used exclusively on the property the well is located.
- h. Assurance that the property owner will install and maintain proper backflow prevention devices as prescribed by the City.
- i. Assurance that a well log will be recorded by the well driller and filed with the City prior to use of said well.
- k. Assurance that the City may inspect said well during construction and any time thereafter; and that at least 24 hours prior to well drilling, the well driller shall contact the city water superintendent for final site approval.

After consultation with the city water superintendent, the City's building inspector/code enforcement officer will ensure that the permit conforms to the distance requirements of this section and does not present any possible contamination problems for the City's water or water source. If deemed necessary, the application shall be referred to the City's engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing of the application. Any additional costs, which are reasonably incurred by the engineer or City in making their examination and report shall be paid by the applicant, in addition to any previously paid estimated costs. The building inspector/code enforcement officer shall consider the application, including the engineer's report (if required) and any additional information submitted by the applicant. In reaching his/her decision on whether to allow the placement of a water well, as above defined, the building inspector/code enforcement officer will act to prevent all sources of possible or likely water contamination.

If, in the opinion of the City's building inspector/code enforcement officer and city water superintendent, the proposed use risks contaminating a municipal water well or water source, the permit shall be denied. Applicants may appeal a denial to the City Council by filing a written appeal with the city clerk within 30 days of the denial of the permit. This appeal will be considered at the next regularly scheduled meeting of the City Council after the appeal has been filed. If the City approves the installation, it shall submit the application, together with the engineer's report, to the appropriate state agency for final approval or denial.

No installation will be made without the approval of the City, NRD and the State of Nebraska.

Closed looped geothermal heating/cooling systems must be cased and will be pressure grouted from the bottom of the hole to the top with bentonite grouting or another grouting material approved by the State. Closed looped geothermal heating/cooling systems must meet all state mandated requirements above and beyond any listed in this ordinance.

6. Approval of requests for exception. The City may consider location of potential contamination sources in closer proximity than the minimum distances listed above. Approval for such location will be given when circumstances require such location and when, in the opinion of the city engineer, City Council, and appropriate state agencies, such location does not constitute a pollution hazard to the City's water supply. Application for such exception will follow the same requirements listed for application for permit, and will require City Council approval.

7. Abandoned wells. All wells that are abandoned shall be properly capped or closed in accordance with Title 178, Chapter 12, Nebraska Department of Health, any State Department of Environmental Quality requirements and the City notified of same. The discovery of any well that has been improperly abandoned or discontinued for use will result in the City notifying the owner of the property on which such well is located that such well must be abandoned in accordance with this ordinance within 15 days of the time of service of such notice. Upon failure of the owner of the property to comply with such order, the City shall cap, close or fill up such well, assessing the cost and expenses to the property and property owner upon which such well is located.

8. The provisions of these regulations shall apply to all land within the corporate limits of the City of Central City, Nebraska, and that portion of the unincorporated area within its one mile extraterritorial jurisdiction.

9. 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.

SECTION 6-240: WELLHEAD PROTECTION: VIOLATION; PENALTY

Any person or persons found violating any provision of Section 6-240 shall be subject to a fine not to exceed \$200.00. The continuation of a violation of Section 6-240 shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the City may obtain injunctive relief, and sue for damages and rededication, and pursue any other remedies available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters.

SECTION 6-241: FLUORIDE: PROHIBITING ADDITION TO CITY'S WATER SYSTEM

Fluoride shall not be added to the water system of the City of Central City, Nebraska.

ARTICLE III - SEWER DEPARTMENT

SECTION 6-301: TERMS DEFINED

The term "biological oxygen demand" shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in milligrams per liter.

The terms "building drain" and "house drain" as used in this Code shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

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

The term "combined sewer" shall mean a sewer receiving both surface runoff and sewage.

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

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

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

The term "normal domestic wastewater" shall mean wastewater that has a BOD concentration of not more than 200 mg/l and a suspended solids concentration of not more than 230 mg/l.

The term "operation and maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

The term "properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has 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 1/2 inch in any dimension.

The term "public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

The term "replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

The term "residential contributor" shall mean any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

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

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

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

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

The term "sewer" shall mean a pipe or conduit for carrying sewage.

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

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

The term "suspended solids" shall mean and include solids that either float on the surface of or are in immersion in water, sewage or other liquids, and are removable by filtering.

The term "treatment works" shall mean any devices and systems for the storage, treatment, recycling and reclamation of city sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable

recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treatment, separating or disposing of city waste or industrial waste.

The term "useful life" shall mean the estimated period during which a treatment works will be operated.

The term "user charge" shall mean that portion of the total wastewater service charge, which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

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

The term "water meter" shall mean a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

SECTION 6-302: USER CHARGE SYSTEM

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works shall be established by ordinance.

SECTION 6-303: OPERATION, MAINTENANCE, REPLACEMENT FUND

That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 6-304 and 6-305 shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

A. An account for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).

B. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made quarterly from the operation, maintenance and replacement revenue in the amount of \$7,128.00 annually.

Fiscal year end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

SECTION 6-304: SEWER BILL AND RATES

Each user of the city sewer system shall pay for the services provided by the City based on the amount discharged into the sewer system as measured by water consumption from a water meter acceptable to the City. Such charges shall be established from time to time by the City Council by resolution, which resolution shall be published and available for public inspection at all times during normal business hours.

SECTION 6-305: SURCHARGES

Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.

SECTION 6-306: SEWER CONTRACT

The City through the sewer department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The City may also furnish sewer service to persons whose premises are situated outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so. The rules, regulations and sewer rental rates hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the

City Council may hereafter adopt, the sewer superintendent or his/her agent may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the superintendent or his/her agent.

SECTION 6-307: COLLECTION

Users shall be billed monthly pursuant to Section 6-304. All bills for sewer shall be paid in accordance with the provisions of Section 6-102.

SECTION 6-308: USER CHARGE REVIEW

The City will review the user charge system at least every two years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

SECTION 6-309: PUBLIC SEWERS REQUIRED; 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 in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

SECTION 6-310: PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

SECTION 6-311: PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

SECTION 6-312: PUBLIC SEWERS REQUIRED; MANDATORY HOOKUP

The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the

provisions of this article within 90 days after date of official notice to do so; provided that said public sewer is within 100 feet of the property line.

SECTION 6-313: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

Where a public sanitary or combined sewer is not available under the provisions of Section 6-312, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 6-312, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

SECTION 6-314: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the sewer superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the superintendent. A permit and inspection fee of \$25.00 shall be paid to the City at the time the application is filed.

SECTION 6-315: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS

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

SECTION 6-316: PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Control. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 6,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 6-317: PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE

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

SECTION 6-318: PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS

No statement contained in Section 6-313 through 6-317 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 6-319: PRIVATE SEWAGE DISPOSAL SYSTEM; PUBLIC SEWER AVAILABILITY

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

SECTION 6-320: RULES AND REGULATIONS

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without complying with the rules and regulations of the sewer superintendent; provided that nothing herein shall be construed to apply to persons, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 6-321: BUILDING SEWER INSTALLATION; PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

SECTION 6-322: BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE

There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the sewer superintendent. A permit and inspection fee of \$25.00 for a residential or commercial building sewer permit and \$50.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

SECTION 6-323: BUILDING SEWER INSTALLATION; EXPENSE

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 6-324: BUILDING SEWER INSTALLATION; SINGLE PREMISE

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 6-325: BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

SECTION 6-326: BUILDING SEWER INSTALLATION; CONSTRUCTION CODES

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

SECTION 6-327: BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 6-328: BUILDING SEWER INSTALLATION; INSPECTIONS

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the sewer superintendent or his/her representative.

SECTION 6-329: BUILDING SEWER INSTALLATION; EXCAVATIONS

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SECTION 6-330: PLUMBER'S LIABILITY

Any plumber or drainlayer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore to the complete satisfaction of the water superintendent and/or the street superintendent all streets that he/she has excavated and make good any settlement of the ground or pavement caused by the excavation.

SECTION 6-331: PROHIBITED DISCHARGES: STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER

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

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

Any person, business or organization in violation of this section is subject to a surcharge of \$100.00 per day for every day they are in violation. Said surcharge will be collected with the monthly utility billing. Failure to pay the bill will be cause for disconnection of utilities.

SECTION 6-332: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

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

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
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.

SECTION 6-333: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT

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

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that

any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

8. Any waters or wastes having a pH in excess of 9.5.

9. Materials which exert or cause:

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

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

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

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

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

11. Any waters or wastes having:

a. A five day BOD great than 300 parts per million by weight, or

b. containing more than 350 parts per million by weight of suspended solids, or

c. having an average daily flow greater than 2% of the average sewage flow of the City, or

d. a chlorine requirement greater than demanded by normal sewage as evaluated by the City's consulting engineer shall be subject to the review of the superintendent.

Where necessary in the opinion of the superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- a. reduce the biochemical oxygen demand to 300 parts per million by weight, or
- b. reduce the suspended solids to 350 parts per million by weight, or
- c. control the quantities and rates of discharge of such waters or wastes, or
- d. reduce the chlorine requirement to conform with normal sewage.

Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until said approval are obtained in writing.

SECTION 6-334: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

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

SECTION 6-335: PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER

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

SECTION 6-336: CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

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

SECTION 6-337: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of

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

SECTION 6-338: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

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

SECTION 6-339: SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY

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

SECTION 6-340: COMPLIANCE WITH ARTICLE; INSPECTIONS

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing system in accordance with the provisions of this article. The superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 6-341: COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to in Section 6-340 above, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the City shall indemnify the company against loss or damage to its property by city employees and against liability claims and

demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-336.

SECTION 6-342: COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS

The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 6-343: SERVICE TO NON-RESIDENTS

Any person whose premise is located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the city sewer system shall file a written application with the city clerk for a permit for such connection and setting forth the name of the owner, occupant or lessee of the premise, the use to which the premise is devoted, and such other information as the City Council may require.

SECTION 6-344: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of sewer rent. Any time after a 60 day delinquency, the City Council may direct the city clerk to certify to the county clerk any delinquent sewer charges to be collected as a special tax in the manner provided by law.

SECTION 6-345: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the sewer superintendent may appear before the utility committee and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of the sewer, or for the resumption of sewer service after the same shall have been shut off, shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer 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.

SECTION 6-346: UNIFORM PLUMBING CODE ADOPTED

There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction and alteration of plumbing fixtures, that certain plumbing code known as the Uniform Plumbing Code, published by the International Conference of Building Officials, Chapters 10, 11, and 12, 1991 edition, of which not less than two copies have been and are now filed in the office of the city building inspector, and the same is hereby adopted and incorporated as fully as if set out at length herein. All of the provisions of said code shall be controlling in the construction of all plumbing contained within the City.

SECTION 6-347: VIOLATION; NOTICE AND LIABILITY

Any person found to be violating any provision of this article, except Section 6-339, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

SECTION 6-348: PENAL PROVISION; VIOLATION

Any person who shall continue any violation beyond the time limit provided in Section 6-347 shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding that permitted by Nebraska law for violation of a municipal ordinance for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

ARTICLE IV - ELECTRICAL SYSTEM REGULATIONS

SECTION 6-401: ELECTRICAL SUPERINTENDENT

The electrical superintendent shall have the direct management and control of the electrical system and shall faithfully carry out the duties of his/her office. He/she shall have the authority to adopt rules and regulations for the safe and efficient management of the electrical system subject to the supervision and review of the City Council.

SECTION 6-402: CONSUMER'S CONTRACT

The City shall furnish electric current for light, heating, cooking and power purposes to persons whose premises abut on any supply wire of the distribution system of the City and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the City Council may see fit to do so. The rules, regulations and rates for electric service hereinafter named shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract with every person, company or corporation who is supplied with electric service through the electric distribution system of the City. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the City, to which both parties are bound.

SECTION 6-403: SERVICE CONTRACTS

Contracts for electric service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall sell, dispose of or remove from the premises where service is furnished, or if the said premise is destroyed by fire or other casualty, he/she shall at once so inform the electrical superintendent, who shall cause the electric current to be shut off from said premises. If such customer shall fail to give such notice, he/she shall be charged for all electric current used on said premises until the time that the electrical superintendent is otherwise advised of such change.

SECTION 6-404: REGISTERED ELECTRICIAN

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

prescribed by the electrical superintendent and building inspector; provided that such rules, regulations and specifications have been reviewed and approved by the City Council.

SECTION 6-405: CONNECTION; CONSTRUCTION REQUIREMENTS

All connections to the electric distribution system shall be made in conformity with the most approved methods of construction for safety to life and property. The regulations as laid down in the current National Electric Code and the whole thereof shall be prima facie evidence of the most approved methods. Three copies thereof are on file in the office of the city clerk and such rules and regulations, together with subsequent amendments thereto, are hereby approved and adopted by the City Council as the standards of efficiency of the most approved methods of electrical construction and are hereby incorporated and made a part of this article the same as though set out at length herein.

SECTION 6-406: INSTALLATION EXPENSE

The expense of installation and equipment up to but not including the electrical meter loop shall be paid by the City, following the General Extension Policy. The expense of installation and wiring from the meter loop to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner.

The retail electric rates of the City are based on cost of service to deliver electric power and energy from existing facilities. The purpose of extension policy is to establish general conditions under which the City will make extensions or additions to electric facilities and the general guidelines to be followed in determining a Customer contribution.

In general, the City will make permanent extensions of electric lines and facilities, without cost to the Customer, where the estimated revenue to be received from the service will provide an adequate and continuous return on the City's investment. The City reserves the right to determine the advisability and legality of making any extension. Extensions made by the City shall remain the property of the City in accordance with existing agreements.

The Total City Investment in an extension shall mean the total project cost including all materials, labor and applicable overheads to serve a proposed load, but excluding Customer provided facilities and costs described in Section C.2 (Extraordinary Construction Costs) and C.3 (Underground Extensions) below, and excluding betterment costs. Betterment costs are additional costs for electric system improvements that are not required solely for the extension to the Customer, but are costs that the City elects to incur now due to anticipated or planned electric system capacity or configuration requirements.

PERMANENT EXTENSIONS

A. Year-Round Service

1. Overhead Extensions to Individual Single Family Residences

a. Less Than One-Half (1/2) Line-miles - The City will construct up to one-half (1/2) line-miles of single-phase overhead line extension, including the service, of its electric distribution system at no cost to the Customer for an individual year-round single family residence, except for Customer provided facilities and costs as outlined in Section C.2 (Extraordinary Construction Costs) below.

b. Greater Than One-Half (1/2) Line-miles - Customer shall be responsible for and shall be required to make a Contribution in Aid of Construction (CIAOC) for all extension costs above one-half (1/2) line-miles of single-phase overhead, including the service and Customer provided facilities and costs as outlined in Section C.2 (Extraordinary Construction Costs) below. Determination of a CIAOC shall be the Total City Investment for the total extension less the cost of a 1/2 mile extension. The Customer shall pay the entire amount of the CIAOC to the City.

c. Three-Phase Service - If three-phase service is required, the additional three-phase extension costs will be considered part of the Total City Investment and a CIAOC, if applicable, shall be determined as in paragraph b. above.

2. Underground Extensions to Individual Single Family Residences

a. When underground construction is requested, the City shall determine if underground construction is appropriate. The Customer shall reimburse the City for all trench and conduit for primary, secondary and service conductors in accordance with City specifications and policies. In addition, the Customer shall be responsible for certain facilities and costs as specified in Section C.2 (Extraordinary Construction Costs) below.

b. If the estimated Total City Investment for the extension is greater than the Standard Extension Cost, the Customer shall be required to pay to the City a non-refundable Contribution in Aid of Construction equal to the amount that the estimated Total City Investment exceeds the Standard Extension Cost.

c. If three-phase service is required, the Customer shall be responsible for the facilities and costs as described in Section C.3.b below.

3. All Other Classes

Extensions to all other classes taking year-round service include, but are not limited to, residential subdivisions, multi-dwelling units, commercial, and industrial Customers.

a. Allowable Investment Limit – The Allowable Investment Limit (AIL) shall be equal to five (5) times the estimated annual gross revenue. For non-betterment extensions (such as the relocation of existing facilities that impede development of new load on the same site) the determination of the AIL shall include net increases in revenue, if applicable. The annual revenue of the existing service during the prior twelve (12) months will be used in estimating increased annual revenue expected from the non-betterment extension.

b. Overhead Construction - The City will construct extensions to its electric lines and facilities at no cost to the Customer, except for Customer provided facilities and costs as outlined in paragraph 'C' (Customer Responsibilities) below, provided that the estimated Total City Investment in such extensions does not exceed the City's Allowable Investment Limit (AIL).

If the estimated Total City Investment in an extension exceeds the AIL, the Customer shall be required to make a non-refundable Contribution in Aid of Construction equal to the

amount that the estimated Total City Investment exceeds the AIL in accordance with paragraph C.1 (Contribution in Aid of Construction) below.

c. Underground Construction – When underground construction is requested, the City shall determine if underground construction is appropriate. If the City determines that underground construction is appropriate, the City will construct the extension at no cost to the Customer, except for Customer provided facilities and costs as outlined in paragraph C.2 (Extraordinary Construction Costs) and C.3 (Underground Extensions) below, provided that the estimated Total City Investment in such extensions does not exceed the City's Allowable Investment Limit (AIL). If the estimated Total City Investment in an extension exceeds the AIL, the Customer shall be required to make a non-refundable Contribution in Aid of Construction equal to the amount that the estimated Total City Investment exceeds the AIL in accordance with paragraph C.1 (Contribution in Aid of Construction) below.

B. Seasonal Service

Extensions to classes taking seasonal service include, but are not limited to, irrigation and grain drying.

1. Allowable Investment Limit - The allowable Investment Limit (AIL) shall be equal to one and one-half (1 ½) times the estimated annual gross revenue. For non-betterment extensions (such as the relocation of existing facilities that impede development of new load on the same site) the determination of the AIL shall include net increases in revenue, if applicable. The annual revenue of the existing service during the prior twelve (12) months will be used in estimating increased annual revenue expected from the non-betterment extension.

2. Overhead Construction – The City will construct overhead extensions to its electric lines and facilities at no cost to the Customer, except for Customer provided facilities and costs as outlined in paragraph C.2 (Extraordinary Construction Costs) below, provided that the estimated Total City Investment in such extensions does not exceed the City's Allowable Investment Limit (AIL). If the estimated Total City Investment in an extension exceeds the AIL, the Customer shall be required to make a non-refundable Contribution in Aid of Construction equal to the amount that the estimated Total City Investment exceeds the AIL in accordance with paragraph C.1 (Contribution in Aid of Construction) below.

3. Underground Construction – When underground construction is requested, the City shall determine if underground is appropriate. If the City determines that underground is appropriate, the City will construct the extension at no cost to the Customer, except for Customer provided facilities and costs as outlined in paragraph C.2 (Extraordinary Construction Costs) and C.3 (Underground Extensions) below, provided that the estimated Total City Investment in such extensions does not exceed the City's Allowable Investment Limit (AIL). If the estimated Total City Investment in an extension exceeds the AIL, the Customer shall be required to make a non-refundable Contribution in Aid of Construction equal to the amount that the estimated Total City Investment exceeds the AIL in accordance with paragraph C.1 (Contribution in Aid of Construction) below.

C. Customer Responsibilities

1. Contribution in Aid of Construction – Where a Customer Contribution in Aid of Construction (CIAOC) is required, the entire amount shall be paid to the City or, an acceptable surety bond or irrevocable letter of credit shall be provided to the City.

2. Extraordinary Construction Costs – The customer will be responsible for Extraordinary Construction costs and facilities where conditions exist that do not allow for use of standard construction practices, such as making provisions for extraordinary clearances and atypical right-of-way acquisitions. Examples of extraordinary clearance provisions include: tree and stump removal, establishing site final grade, etc. Examples of atypical right-of-way acquisitions include condemnation proceedings, governmental agency applications, etc.

3. Underground Extensions

a. The Customer shall reimburse NPPD for all trench and conduit for primary, secondary and service conductors in accordance with City specifications and policies.

b. Customers requiring three-phase service, in addition to the above requirements, shall provide the following:

i. The transformer pad in accordance with City specifications.

ii. Dedicated three-phase transformer installations normally require an instrument rated metering system to be installed on the secondary bushings of the padmounted transformer or in a metering cabinet located on the outside of the Customer's facility. The Customer shall be responsible for all service conductors from the point of delivery as defined by the City. Where distributed metering is installed within the Customer's facility, as approved by the City, the Customer shall be responsible for the service conductors from the point of delivery as defined by the City.

D. Recalculation of Contribution in Aid of Construction

If, during the five-year period from the initial in-service date, one or more additional Customers are served from the original line extension, the Contribution in Aid of Construction (CIAOC) for the original Customer will be recalculated to include the additional Customers and investment. If the recalculated CIAOC is determined to be less than the original amount of CIAOC calculated and paid by the Customer, the City will refund the difference on a prorated basis depending on the time period left after energization of the additional Customer(s) in the initial five-year period. The formula for refunding the difference is as follows: Original CIAOC less the recalculated CIAOC times the months remaining in the five-year period divided by 60.

E. Extensions to Loads Requiring Capacity of 5 MVA or More

1. Minimum Monthly Facilities Charge (MMF Charge)

a. The Customer shall enter into a Contract with the City for a term of five (5) years prior to construction of the extension. Such Contract will obligate the Customer to a minimum monthly bill (the MMF Charge) during the five (5) year period, as provided below.

b. The Calculation Basis for the MMF Charge shall be equal to fifty (50%) percent of the Total City Investment in the extension or, the non-recoverable construction costs of the extension, whichever is greater. The non-recoverable construction costs shall be equal to the estimated "in and out" costs to install and remove the extension, including ten percent (10%) of the costs of materials, including metering and transformers.

c. The Customer may request (limited to one time during the five (5) year term of the Contract), or at its option the City may conduct, a review of the Customer's Total Billing accumulated up to the date of the request. If the Customer's Total Billing (the total accumulated electric billing during the expired time period of the Contract term, including the actual MMF Charges) is greater than or equal to the Calculation Basis, the MMF Charge shall be discontinued and the Contract shall be terminated.

TEMPORARY EXTENSIONS

A. For any single-phase temporary service requiring an extension of one span or less, including removal of the same upon completion of service, the Customer will be billed \$80.00, which includes the City's Connect Charge for new accounts. This type of temporary service would be provided from existing distribution secondary in the area and would include installation of a meter on a Customer supplied service pole and meter loop.

B. For any extension of the City's existing electric lines and facilities which involves more than a single span or requires three-phase service, a "non-refundable service charge" collected in advance of construction will be required. This charge will be equal to the estimated in and out costs to install and remove this service, including ten percent (10%) of the cost of materials, including metering and transformers. Temporary extensions include service to any Customer class which, in the opinion of the City, is considered temporary service in nature, even though service may be used for a period of a year or longer. Examples of temporary extensions may include carnivals or road construction batch plants.

SECTION 6-407: UNDERGROUND INSTALLATION EXPENSE AND PROCEDURE

Section 1. Responsibility of Electric Department. The City will furnish, install and maintain all material and equipment to serve the underground system. The City will be responsible for the complete installation of primary riser, primary and secondary underground conductors, transformers, service pedestals, underground street light conductors, and street light fixtures.

Section 2. Responsibility of Developer. The developer agrees to furnish the City permanent right-of-way with the right of ingress and egress at all times for construction and maintenance of electric facilities, including access to individual customer services. The area under development will be brought to final grade before the underground system is installed. After the underground electric system construction has begun, any changes of grade that, in the opinion of the City, require relocation of the electric system will result in such relocation being done at the expense of the developer.

Section 3. Primary System. Where practical, a loop feed system is preferred. In certain cases such as taps with one or two transformers, loop feeds are expensive and impractical and will not be required. Primary service will be single phase. In the interest of primary phase balance, more than one phase should be installed in larger developments.

All transformers will be installed with "dead front" high voltage cable connections. The high voltage cable connectors will be of the "load-break," "plug-in" type commercially available. Additional high voltage switching will not be installed at any transformer location. All fuse cutouts installed on primary riser poles shall be the "load-break" type or useable with load-break tools. Any switching device installed on a transformer shall have a visible break future.

It is contemplated that all load switching at transformers will be done with load-break, plug-in connectors. Switching required for locating a cable fault shall be accomplished with the primary system de-energized. Closing into a suspected fault shall be by operation of the riser pole load-break cutouts only.

The placement underground of three phase main feeders along the edge of or through the development area as requested by the developer will be handled in a separate individual manner from the rest of the distribution system. The contribution shall be computed by estimating comparable overhead and underground feeders. The difference between the two estimates shall serve as the bases for the developer's contribution. The contribution shall be included in the standard agreement and the exhibit map shall include information on the three-phase feeder.

Section 4. Secondary System. Secondaries in residential areas shall be single or three phase, at the discretion of the electrical superintendent.

Section 5. Pad-Mounted Transformer System. This system will utilize pad-mounted transformers or translosures installed above grade. Above grade pedestals will be installed by the City. The type of pedestal used will be determined by the City. Revenue meters will be installed on the exterior of the customer's building. The customer's service will be extended by the developer or owner from the house to the appropriate service pedestal location. The City will connect the service conductor to the secondary mains in the service pedestal.

Section 6. System Location. The preferred location for the underground system, utilizing translosures or pad-mounted transformers, will be on the rear lot line. Normally, service pedestals should be located near lot corners. The services should run from the pedestal or from a point in the main trench so that the service does not cross a side property line.

Systems located on rear lot lines shall be placed within a utility easement strip provided by the developer. All of the City's equipment including transformers, primary and secondary conductors and secondary pedestals shall be completely located within the designated easement area. Systems located on the street side of the lot shall be placed on private

property within the easement strip provided by the developer. Service shall be extended from pedestals located within the easement strip to individual houses.

Section 7. Customer Services. The developer or owner shall own and maintain the individual customer service conductors. The minimum installed ampacity shall be 125 amperes for a 3-wire, 240 volt service.

Section 8. Metering Equipment. The metering equipment shall be installed on the house or on the alley pole at a suitable location designated by the City in cooperation with the wiring contractor. The meter should be in an accessible place located sufficiently high to clear snow drifts, outdoor furniture, shrubs, bushes, yard tools and playground facilities.

Section 9. Construction Power. Construction power for builders during house construction shall be from the underground system. If the underground system is not installed and construction power is required, temporary overhead construction to serve a builder will be installed and removed at the builder's expense, under existing city policy for temporary service.

When service is from the underground system, the contractor/developer shall make temporary cable installation from the service pedestal to a meter pole owned and set by the builder. The City will own and set the meter according to the existing service policy.

Section 10. Joint Trench Construction. Where practical, the City should encourage joint trench construction; either random lay or vertical separation with telephone and CATV facilities. Joint trench costs will be shared two or three ways depending upon the number of different utilities involved. The City's layout engineer shall contact the local telephone company prior to any layout work in a new subdivision to determine whether or not joint trench construction will be used.

Section 11. Engineering Approval. When a new underground subdivision is proposed, the design plan for the construction shall be submitted to the electric superintendent for approval with the work order.

Section 12. Type of Service. Underground service is mandatory in areas of new housing development. Existing areas may be served from overhead service.

SECTION 6-408: METER INSTALLATION AND DEPOSIT

All meters required for measuring electricity used by the applicant or consumer shall be furnished and installed by the City and all meters so furnished by the City shall remain the property of the City. A meter deposit in an amount set by resolution of the City Council from time to time shall be paid to the City by the applicant or consumer when said applicant or consumer makes application for service as provided by Section 6-403 of this article. Meter deposits shall be refunded to the consumer upon termination of service by the consumer, provided that all charges for electric power furnished have been fully paid. If all of said charges due the City are not paid, the amount so owed shall be appropriated from said

deposit and the remainder returned to the consumer. In the event that the consumer is indebted to the City in an amount greater than the deposit, then the entire deposit shall be appropriated and the remainder shall be covered by civil action.

SECTION 6-409: METERS

A. Type, Installation. Any meter approved by the electric superintendent may be used by consumers of the electric power distribution system. All meters shall be installed by the electric superintendent or his/her agent designated for that purpose, and all electric current shall be furnished through and measured by meter.

B. Setting, Sealing. Meters shall be set so that the dial or face of the meter shall be easily accessible to the electric superintendent or his/her duly authorized agents when reading or testing the same. All meters shall be sealed; no person shall deface, injure or break any of said seals unless authorized to do so by the electric superintendent.

C. Tampering. It is hereby declared unlawful for any person to tamper with any electric meter or by means of contrivance or device to divert the electricity from the supply wire so that the same will not pass through the meter or while passing through the meter cause the same to register inaccurately. If any electric meter is found to have been tampered with, the electric meter shall be repaired and tested. Upon repetition of the offense, it will be optional with the electric superintendent to discontinue the electric service or to collect the same estimated to be due.

D. Should a consumer's meter become out of repair or fail to register properly, the consumer will be charged for electric current during the time such meter is out of order at the average monthly consumption shown by the meter when in order for six months previous, or if no such basis of computation exists, then the consumer shall be charged such sum as the electric superintendent shall reasonably fix for such period.

SECTION 6-410: METERS, WHEN READ

All electrical meters within and without the City shall be read each month during which electrical service is used. All electric meters shall be read by the electric superintendent or his/her duly authorized agents. Accounts between consumer and City shall be kept by the city clerk and shall be filed in the office of the city clerk. A consumer's ledger shall be kept and kept current with a separate account for each consumer.

SECTION 6-411: FEES AND COLLECTIONS

The City Council has the power and authority to fix the rates by resolution to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the city clerk. The city clerk shall bill the consumers and collect all money received by the City on the account of the city electrical system. He/She shall faithfully account for and pay over the same to the city treasurer all revenue collected by him/her,

taking his/her receipt therefor in duplicate, filing one with the city clerk and keeping the other on file in his/her official records.

SECTION 6-412: DELINQUENT PAYMENTS

If the consumer shall for any reason order the service discontinued, or shall remove from the premises, or for any reason shall be indebted to the City for electric service furnished, such amount due under the terms of this article, together with any rents and charges in arrears, shall be considered as delinquent electric power rent.

1. Lien. Delinquent rent is hereby declared to be a lien upon the premises or real estate for which or upon which the electric power was used or supplied, and upon the refusal of the consumer to pay said delinquent electric power rents, they shall be collected by being placed upon the assessment roll and tax book for collection, like other taxes.

2. Collection. It shall be the duty of the city clerk on June 1 of each year or at such other times during the fiscal year if he/she deems it necessary to protect the interests of the City, to report to the City Council a list of all unpaid accounts due for electric power together with a description of the premises or real estate upon or for which the electric power was used or supplied. Said report shall be examined and if approved by the City Council, shall be certified by the City Council to the county clerk of Merrick County, giving the amounts due and the description of the premises or real estate upon or for which electric power from the electric distribution system of this city was used or supplied, the said amounts to be collected as other taxes by the county treasurer of said county.

SECTION 6-413: MINIMUM RATES

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

SECTION 6-414: RESTRICTED USE

The city electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment and machinery to do so. The electrical superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The City shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the City has no control and the City expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice.

SECTION 6-415: POSTING SIGNS

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures, or equipment of the city electrical system any sign, poster, advertisement or banner without written permission from the electrical superintendent.

SECTION 6-416: COGENERATION; PURPOSE

In order to comply with Section 201 and 210 of the Public Utility Regulatory Policies Act of 1978 and with the rules and regulations of the Federal Energy Regulatory Commission pertaining thereto, the following policies relating to interconnections of the electric system of the City with cogeneration and small power production facilities, rates for sales of electric energy to such facilities and rates for purchases of electric energy from such facilities are hereby established.

SECTION 6-417: COGENERATION; DEFINITIONS

"Cogeneration facility" means a facility, which produces electric energy and steam or other forms of useful energy (such as heat), which are used for industrial, commercial, heating or cooling purposes.

"Qualifying cogeneration facility" means a cogeneration facility that meets the requirements of the Federal Energy Regulatory Commission regarding ownership, fuel use and operating and efficiency standards.

"Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources or any combination thereof totaling not greater than 80 megawatts at one site.

"Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. (Interconnection costs do not include any costs involved in the calculation of avoided costs.)

"Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from qualifying facilities, such utility would generate itself or purchase from another source.

SECTION 6-418: COGENERATION; INTERCONNECTIONS WITH QUALIFYING FACILITIES

Qualifying facilities desiring to interconnect with the electric system of the City shall make application to the electric department for such interconnection. Applicants shall use such forms as are prescribed by the City and shall furnish all information requested.

The City shall establish reasonable standards to be met by qualifying facilities to ensure system safety and reliability of interconnected operations. Such standards may include but shall not be limited to the following areas: power factor; voltage regulations; fault, overcurrent, and over- under voltage protection; harmonics; synchronization; and isolation.

Interconnection costs associated with the interconnection with a qualifying facility shall be paid for by such qualifying facility. Qualifying facilities shall be required to execute contractual agreements with the City before any interconnection is established.

SECTION 6-419: COGENERATION; RATES FOR SALES OF ELECTRIC ENERGY TO QUALIFYING FACILITIES

Rates for sales of electric energy to qualifying facilities shall be those current standard rates adopted from time to time by resolution of the mayor and City Council which apply to other customers of the utility in the same classification(s) of electric service.

SECTION 6-420: COGENERATION; RATES FOR PURCHASES OF ELECTRIC ENERGY FROM QUALIFYING FACILITIES

Rates for purchases of electric energy from qualifying facilities shall be established by resolution of the Mayor and City Council. Such rates shall be just and reasonable to the electric consumer of the utility and in the public interest, shall not discriminate against qualifying cogeneration and small power production facilities, and shall be related to avoided costs; however, in no case is the utility required to pay more than the avoided costs. Standard rates shall be established for purchases from qualifying facilities with a design capacity of 100 kilowatts may be standard rates or may be by individual contracts, the terms of which are fair and reasonable.

SECTION 6-421: TRIMMING TREES NEAR LINES OF DISTRIBUTION SYSTEM; NOTICE REQUIRED

Any person desiring to cut or remove trees or branches thereof or to fell same, in close proximity to the lines of the electric distribution system of the City, and which said work might cause injury or damage to the lines thereof, shall, before doing the said work, give reasonable written notice to the electrical superintendent and shall follow any and all rules and regulations which he/she may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so.

SECTION 6-422: OVERHANGING BRANCHES; CITY'S RIGHT TO REMOVE

Whenever it becomes necessary to protect the lines or property of the electric distribution system of this City, the City shall have the right to remove and cut away in a careful and prudent manner overhanging branches or limbs of trees, so that its lines shall be free and open. Such right, privilege and authority may also be exercised by the City whenever the City Council at any regular or special meeting passes a resolution stating its intention to so cut or remove such obstructions to the lines and service of its electric distribution system.

SECTION 6-423: INSPECTION

The electrical superintendent or his/her duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied.

SECTION 6-424: DESTRUCTION OF PROPERTY OF ELECTRIC DISTRIBUTION SYSTEM

No person shall willfully or carelessly break, injure or deface, interfere with or disturb any building, machinery, apparatus, insulator, transformer, fixture, attachment, appurtenance, electrolier, right-way pole, suspension lights or light globes in the street lighting system of the electric light plant or of the distribution system of the City.

ARTICLE V - REFUSE DISPOSAL AND COLLECTION

SECTION 6-501: DEFINITIONS

For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as follows:

- (a) “Director” shall mean the Director of Public Works of the City or his/her designee.
- (b) “Dwelling” shall mean a residence, flat, apartment, live-work unit, or other facility, which meets the applicable City codes for residential living.
“Dwelling” does not include a Hotel or Motel.
- (c) “Waste Contractor” shall mean the entity granted a contract by the City to collect and dispose of Solid Waste generated within the City limits.
- (d) “Hazardous Waste” shall mean:
 - (1) all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste in the Nebraska Environmental Protection Act; and
 - (2) all wastes which may present a threat of disease or infection to humans or animals.
 - (3) radioactive wastes.
- (e) “Household Hazardous Waste” shall mean hazardous waste generated at Dwellings within the City, and includes, but is not limited to, automotive fluids, paints, varnishes, solvents, pesticides, fertilizers, batteries, and discarded tires.
- (f) “Owner” shall mean the person(s) or entity(ies) holding legal title to the premises.
- (g) “Premises” shall mean any building or lot within City boundaries.
- (h) “Solid Waste” means putrescible and nonputrescible solid and semisolid waste including garbage, trash, refuse, paper, rubbish, ashes, industrial waste, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes but does not include abandoned vehicles and vehicle parts, Hazardous Waste or Yard Waste.
- (i) “Tenant” when used with reference to a Dwelling shall mean any person or persons, other than the Owner, occupying or in possession of the Dwelling.
- (j) “Yard Waste” shall mean vegetative matter resulting from landscaping maintenance, including accumulation of lawn, grass, shrubbery cuttings or clippings and dry leaf rakings, palm fronds, tree branches, bushes, or shrubs, green leaf cuttings, fruits, or other matter usually created as refuse in the care of lawns and yards.

SECTION 6-502: COLLECTION SERVICE REQUIREMENTS

All occupied premises and construction/demolition sites are required to have Solid Waste collection service. All premises that have Solid Waste collection service must follow the provisions of this Chapter.

SECTION 6-503: RESPONSIBILITY FOR SERVICE

- (a) Every Owner or tenant of any Dwelling within the City where Solid Waste is generated and/or accumulated shall contract with the City for Solid Waste collection and shall pay the designated fee for such services.
- (b) Every Owner or tenant shall initiate service within fifteen (15) days of occupancy of any premises or place within the City where Solid Waste is generated and/or accumulated. If service is not initiated within this time period, the City will automatically initiate service.
- (c) If the Director determines that additional Solid Waste Receptacles or capacity is necessary, the owner or tenant shall provide for such additional service within fifteen (15) days of the date of the mailing or written notice by the Director.

SECTION 6-504: SOLID WASTE COLLECTION

It shall be unlawful for any person other than the Waste contractor to collect or transport any Solid Waste generated within the City, except as follows:

- (a) Construction and Demolition Debris that is:
 - (1) removed from a premise by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor rather than as a separately contracted or subcontracted hauling service using debris boxes or similar apparatus; or,
 - (2) Directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
- (b) Animal waste and remains from slaughterhouses and butcher shops, or grease waste for use as tallow.
- (c) Solid Waste collected and transported by City crews.
- (d) Solid Waste hauled directly to a disposal facility by the generator of the Solid Waste.

SECTION 6-505: PROHIBITED ACTS

- (a) No person owning or occupying any premises in the City shall accumulate, or allow to accumulate, upon or in such premises waste materials of any kind; however, this section shall not be construed as interfering with a construction project during the construction period.
- (b) No person shall dump, place or bury any waste of any kind on any premises or in any public place or right of way within the City.
- (c) Violations of any provision of this Chapter shall be considered an infraction.

SECTION 6-506: RECEPTACLES; SERVICEABILITY

- (a) All Solid Waste shall be deposited for collection in a Receptacle provided by the Waste Contractor or a Receptacle which meets the service requirements of the City.

- (b) Every Owner or tenant of any premises or place within the City where Solid Waste is generated or accumulated shall ensure that the Receptacles are of an adequate quantity and/or size for the proper storage for collection.
Cardboard and yard waste may be bundled for collection as an alternative to placement in a receptacle.
- (c) All receptacles shall be maintained in a clean, neat and sanitary condition.

SECTION 6-507: RECEPTACLES; PLACEMENT

No receptacle for the collection of Solid Waste, or Yard Waste, or any bundle of Yard Waste or cardboard shall be placed or stored on or in any public street, sidewalk, footpath, or public place. Notwithstanding the foregoing, such receptacles or bundles may be placed on a sidewalk, for up to twenty-four consecutive hours for the purpose of collection by the Waste Contractor provided that the receptacle does not block or impede pedestrian travel or driveways owned or controlled by other persons or businesses.

" \1 3SECTION 6-508: RECEPTACLES; PROHIBITED MATERIALS

- (a) No person shall place the following materials in a receptacle: Hazardous Waste, human waste (excluding disposable diapers), uncontained liquids (excluding grease waste set out for tallow), or Household Hazardous Waste. Notwithstanding the foregoing, Household Hazardous waste accepted under the terms of the city's Franchise or through a City sponsored event may be set out in a specially designated receptacle.
- (b) Dirt, brick, rocks, and cement may only be placed in approved containers or containers hauled as permitted under Section 6-504(a).
- (c) No person shall place bulky goods for collection except by special arrangement with the Waste Contractor or during a City sponsored semi-annual Curbside Cleanup. Bulky goods include large household appliances, such as white goods; furniture; carpets; mattresses; electronic equipment; oversized yard waste and similar large items. An additional charge may be imposed for such collection.

" \1 3

SECTION 6-509: COLLECTION; INTERFERENCE

It shall be unlawful for any person to interfere with the collection, removal, and disposal of Solid Waste by the City or the Waste Contractor.

SECTION 6-510: RATES

The standard monthly charges for waste collection shall be set by the City by resolution and may be amended from time to time.

SECTION 6-511: RECORDATION OF LIEN FOR DELINQUENT CHARGES

The City Council shall be requested to authorize the placement of a lien on the Owner's real property for the delinquent charges. The lien shall be recorded with the County Clerk of Merrick County and may carry additional administrative charges.

SECTION 6-512: COLLECTION OF DELINQUENT CHARGES

- (a) The delinquent charges which remain unpaid by the Owner shall constitute an assessment against the property to which service was rendered and shall be collected at such time as established by the County Assessor for inclusion in the next property tax assessment.
- (b) The City Clerk shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid delinquent charges consisting of the delinquent garbage collection service charges and administrative charges.
- (c) The assessment may be collected at the same time and in the manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure of sale as provided for delinquent, ordinary, municipal taxes. The assessment shall be subordinate to all existing liens previously imposed upon the property and paramount to all other liens except for those of State, County and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment and all interest and charges due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessments.

SECTION 6-513: MANNER OF GIVING NOTICES

Any notice required to be given pursuant to this Chapter shall be deemed served as of the date of personal service upon the Owner or Tenant or five days after deposit of said notice, postage prepaid in the United States Mail addressed to the Owner at the address listed on the most recent County Assessor's tax roll or addressed to the Tenant at the premise's address.

ARTICLE VI - GAS DEPARTMENT

SECTION 6-601: GAS SUPERINTENDENT

The City operates the Gas Department through the gas superintendent. The gas superintendent shall have the direct management and control of the Gas Department and shall faithfully carry out the duties of his/her office. He/she shall have authority to adopt rules and regulations for the safe and efficient management of the Gas Department subject to the supervision and review of the City Council. The City Council shall set the rates to be charged for services rendered by resolution and shall file the same in the office of the city clerk for public inspection at any reasonable time.

SECTION 6-602: CONSUMER'S CONTRACT

The City shall furnish natural gas for heating, cooking and power purposes to persons whose premises abut on any supply pipe of the distribution system of the City and may furnish natural gas to such other persons within or without its corporate limits as and when, according to law, the City Council may see fit to do so. The rules, regulations and rates for natural gas service hereinafter named shall be considered a part of every application hereafter made for natural gas service and shall be considered a part of the contract with every person, company or corporation who is supplied with natural gas through the natural gas distribution system of the City. Without further formality, the making of application on the part of any applicant or the use or consumption of natural gas by any present customer and the furnishing of natural gas to said applicant or customer shall constitute a contract between applicant or customer and the City, to which both parties are bound.

SECTION 6-603: DEPOSIT FUND

The City Council, from time to time, shall establish a service deposit to be paid by an applicant prior to commencement of gas service. The service deposit required for gas service shall be promptly paid upon demand by all potential customers of the city gas distribution system. From the said deposit shall be deducted all delinquent gas charges. The service deposit shall be collected by the city clerk and immediately turned over to the city treasurer, who shall keep the said fees in a trust fund for the customers of the gas distribution system. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the Gas Department.

SECTION 6-604: GAS SERVICE CONTRACTS

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

SECTION 6-605: INSTALLATION PROCEDURE

The City will furnish natural gas to any person, firm, or corporation within and without the corporate limits of the City, if said person, firm or corporation can be supplied with natural gas from existing gas mains. The City expressly reserves the right to refuse to furnish gas service to customers not located upon existing gas mains wherein the estimated consumption of gas will, in the opinion of the City Council, not justify the installation expense of additional mains. The meter and meter loop shall remain the property of the City, which reserves the right to inspect, test and repair any meter, pipe or other gas equipment on the customer's premises at any time that it may be necessary. Repair and replacement costs to the same shall be apportioned as installation is accomplished.

SECTION 6-606: METERS

No two properties are to be connected to a single meter unless used and occupied by the same party. Neither shall more than one customer be served by the same meter unless the same room or rooms are occupied and used jointly by such customer.

SECTION 6-607: HAZARDOUS EQUIPMENT

It shall be unlawful for any person, firm or corporation to sell or install any hazardous equipment or apparatus, or such as shall be or cause a fire or explosion hazard, or to sell or install any new equipment or apparatus not approved by the National Gas Association or the gas superintendent. In order to protect the interests of the City and the customer, the City reserves the right to have free access at all times to the premises on which gas is being used, to determine if gas equipment is being installed and used in a proper manner, and reserves the right to refuse gas service for hazardous installation and/or equipment.

SECTION 6-608: DISCONTINUANCE OF SERVICE

The City will furnish gas in accordance with these regulations unless prevented by unavoidable causes, but expressly reserves the right to discontinue service for any of the following reasons:

1. For necessary repairs.
2. For non-payment of bills when due.
3. For fraudulent misrepresentation in regard to consumption of gas.

When necessary to shut off gas for non-payment of bills when due or for fraudulent misrepresentation in relation to the consumption thereof, all delinquent accounts must be paid before the gas will again be turned on for the use of the customer.

SECTION 6-609: RATES

The City Council has the power and authority to fix by resolution the rates to be paid by consumers for gas service from the Gas Department. All such fees shall be on file for public inspection at the office of the city clerk.

SECTION 6-610: MINIMUM RATES

All gas consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall by written order direct gas superintendent to shut off the gas, in which case he/she shall not be liable thereafter for gas service until the gas is turned on again.

SECTION 6-611: BILLS

All bills for gas shall be paid in accordance with the provisions of Section 6-102 of the Municipal Code of Central City, Nebraska.

SECTION 6-612: RESTRICTED USE

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

SECTION 6-613: BUILDING MOVING

Should any house or building moving occur or be necessary and it becomes necessary in such work to remove or disturb any of the property or pipes of the gas distribution system, the same shall not be done except upon reasonable written notice to and written permission received from the gas superintendent, who shall then order paid in advance the actual cost of moving the said pipe and other appurtenances. Such cost shall be paid by the applicant prior to the moving of the building or house. All the expense of removing, changing and replacing the property of the gas distribution system shall be paid out of the deposit made prior to such moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

SECTION 6-614: 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 Gas Department, or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property.

ARTICLE VII - UTILITIES FRANCHISE REQUIRED

SECTION 6-701: FRANCHISE REQUIRED

Except as provided in Section 6-702, no person, company, association, firm, partnership, limited liability company, corporation or other entity shall, at any place or location within the City, without first having obtained a franchise or permit from the City of Central City:

1. Provide, sell, furnish, transport or distribute natural gas, electricity, cable television, telecommunications or water;
2. Erect, construct, operate, maintain or use any natural gas pipeline, service line, plant, system or gas works, power plant, electric or other light works, heating plant or waterworks, cable lines or headend for television, communications towers or antennas for the purpose of providing, selling, furnishing, transporting or distributing natural gas, electricity, cable television, telecommunications or water to any user or consumer within the City;
3. Use the streets or alleys of the City for such purposes; or
4. Interconnect any building, structure or facility of any kind to any pipeline, system, main, service line, or other conduit or facility of any type for the purpose of providing, selling, furnishing, transporting or distributing natural gas, electricity, cable television, telecommunications or water.

SECTION 6-702: FRANCHISE REQUIRED; EXCEPTIONS

1. The provisions of Section 6-701 shall not apply to the City of Central City, which is the primary provider of public utilities to or at all points and locations within the City.
2. Any entity which is the provider of public utilities to any area annexed by the City after March 1, 1995, shall have six months after the effective date of said annexation within which to transfer the public utility services to the City, and shall not continue to provide those public utilities thereafter unless it has obtained a franchise or permit from the City in accordance with Section 6-701.

SECTION 6-703: PENALTIES

Any person, company, association, firm, partnership, limited liability company, corporation or other entity who violates the provisions of this article shall, upon conviction, be punished by a fine in an amount not less than \$100.00 nor more than \$300.00. Every day on which the violation shall continue shall be deemed as a separate and distinct offense, separately punishable hereunder.

ARTICLE VIII - PENAL PROVISION

SECTION 6-801: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any articles of the foregoing chapter shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed that permitted by Nebraska law for violation of a municipal ordinance. Each day's maintenance of the same shall constitute a separate offense.