

CHAPTER 3

ARTICLE 1. WATER SYSTEM

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

The City owns and operates the City Water System through the Department of Utilities. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Director of Finance. The City Administrator shall have the direct management and control of the City Water System and shall faithfully carry out the duties of its office. The Utility and Infrastructure Board, through the City Administrator, shall make recommendations to the City Council, and the City Council shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water System. 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.

§3-102 MUNICIPAL WATER SYSTEM; DEFINITIONS.

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

MAIN. The term "main" is hereby defined to be any pipe other than a supply or service pipe used for the purpose of carrying water to or distributing it in the City or environs.

METER RATE. The term "meter rate" is hereby defined to be the rate or price to be charged for water, based upon the quantity of water consumed on any premises as measured by a water meter, or estimated where the meter has been taken out for repair or not in working order, or for any other reason requiring an estimate to be made. This estimate shall be made on the basis of the water consumed for one (1) year prior to the estimated bill.

SERVICE. The term "service" is hereby defined to be collectively a supply pipe and a service pipe and all associated fittings and appurtenances.

SERVICE PIPE. The term "service pipe" is hereby defined to be any pipe, fittings and appurtenances which extend beyond the curb cock or valve which terminates the supply pipe.

STUB-IN. The term "stub-in" is hereby defined to be a supply pipe which is installed to or for a property, but which has no service pipe connected to it. Stub-ins are

generally installed immediately prior to the paving of the street in which the main is located and before the property involved needs a water service.

SUPPLY PIPE. The term "supply pipe" is hereby defined to be any pipe tapped into a main and extending thence to the curb line of the street and including the curb cock or valve; and when used in reference to a fire system shall mean the pipe extending from the main to the wall of the building.

§3-103 MUNICIPAL WATER SYSTEM; APPLICATION FOR SERVICE; METER AND SERVICE REQUIREMENTS GENERALLY; PRORATING MONTHLY WATER BILL.

Every person desiring a supply of water from the City shall make application to the Department of Utilities for the same. Each applicant shall have the water service installed by a licensed plumber, the cost of which shall be borne by the applicant.

Not more than one (1) residence shall be supplied through one (1) meter, and each water service shall be provided with an outside accessible standard curb cock with box of a design approved by the Department of Utilities. All fractions of a month shall be charged and considered as provided in Section 3-118. No water will be furnished except through a meter furnished by the Department of Utilities.

§3-104 MUNICIPAL WATER SYSTEM; WATER CONTRACT.

The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the 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 may hereafter be adopted, the City Council or its 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 City Council or its agent.

§3-105 MUNICIPAL WATER SYSTEM; INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. In the event that any street or alley must be closed for the excavations to be made, the Police and Fire Departments shall be notified prior to closing. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service and supply pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the City Administrator 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 an inspection by the Department of Utilities. The inspection shall be made when connections or repairs are completed and before the pipes are covered. It is the customer's responsibility to notify the Department at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation recommended by the Utility and Infrastructure Board; Provided that the said rules, regulations, and specifications have been reviewed and approved by the City Administrator and City Council.

§3-106 MUNICIPAL WATER SYSTEM; SERVICE PIPE AND CONNECTIONS, GENERALLY.

Either copper or galvanized iron service pipe may be used at the option of the applicant for City water. All copper or iron pipe shall have sufficient strength to sustain a pressure of not less than two hundred (200) pounds to the square inch, and at the point of connection between the corporation cock and supply pipe there shall be a copper gooseneck bend, not less than eighteen (18") inches in length, to protect the corporation cock from any strain from expansion or otherwise. All taps and connections from the water main shall be made by the Department of Utilities or under its supervision, and all expense thereof shall be paid by the applicant.

The City Council may grant a variance to the above to permit 200 p.s.i. plastic pipe to be substituted for the copper or iron pipe if 1) the service length exceeds five hundred (500') feet; 2) copper or iron pipe is used from the public main to the meter pit which shall be near the public right-of-way on private property; 3) copper or iron pipe is used from the building being served toward the main for at least twenty (20') feet; and, 4) the meter pit shall conform to the standard recommended by the Utility and Infrastructure Board and City Administrator, and established by the City Council.

§3-107 MUNICIPAL WATER SYSTEM; MANNER OF LAYING SUPPLY AND SERVICE PIPE.

All supply pipe shall be laid as much under the surface of the ground as the main in the street, in compliance with the rules and regulations of the City Council, and in all cases be so protected as to prevent rupture by freezing. Where, in the opinion of the Department of Utilities, the character of the soil is such as to be corrosive to iron supply pipe, steps shall be taken to minimize corrosion of the pipe.

Every service pipe shall be snaked in the ditch to allow not less than one (1') to one and a half (1 ½') feet extra length, and in such manner as to prevent rupture by settling.

§3-108 MUNICIPAL WATER SYSTEM; STOPCOCKS.

Every service pipe shall be provided with a stop and waste cock for each consumer, easily accessible and so situated that the water can be conveniently shut off and drained from the pipes. Stopcocks shall be of such pattern as shall be recommended

by the Utility and Infrastructure Board and City Administrator and approved by the City Council, and shall be kept in workable condition.

§3-109 MUNICIPAL WATER SYSTEM; LOCATION AND PROTECTION OF CURB COCKS.

Unless otherwise permitted, curb cocks shall be placed in the supply pipe on the outside edge of the sidewalk, and protected by a box of iron pipe reaching from the top of the curb cock to the surface, of suitable size to admit a stop key for turning on and off; also, with a cast iron cover having the letter "W" marked thereon, visible and even with the sidewalk, which shall be kept visible at all times.

§3-110 MUNICIPAL WATER SYSTEM; EXCAVATIONS IN PAVED STREETS AND ALLEYS.

Before any excavation for the laying or repairing of water pipes is made in the paved streets or alleys of the City, the plumber doing such work shall obtain from the City Clerk a fixed charge per square foot of open trench, as set by the City Engineer, of the cost of refilling such excavation, and the replacing of pavement to its original condition, and shall deposit such amount with the City Clerk who shall deliver to him a permit for making such excavation. The replacing of pavement and filling of trenches shall be done by the Street Department of the City at the charge set by the City Engineer for such work. No tunneling under the pavement will be permitted, but boring for water service will be allowed. The plumber obtaining a permit shall be held responsible on his bond for all damages of any description that may be caused by the neglect or default on the part of such plumber.

§3-111 MUNICIPAL WATER SYSTEM; EXCAVATIONS, GROUND FROZEN.

No person shall make any excavation in any street or highway within six (6') feet of any laid water pipe while the ground is frozen or dig or uncover so as to expose to the frost any water pipe of the City except under the direction of the City Administrator or designee.

§3-112 MUNICIPAL WATER SYSTEM; INTERCONNECTIONS.

All interconnections with the water system of the City shall be made in a manner which shall conform with the requirements of the State of Nebraska or the United States Public Health Service.

§3-113 MUNICIPAL WATER SYSTEM; PIPING AND FITTINGS REQUIREMENTS.

There shall be a ninety (90°) degree ell placed in one (1) side of the piping to the water meter, to permit the meter to be removed without placing strain on the piping. All piping, fittings, valve and fixtures shall be designed for a standard working pressure of one hundred and twenty-five (125) pounds per square inch.

§3-114 MUNICIPAL WATER SYSTEM; FURNISHING OF METERS BY DEPARTMENT OF UTILITIES; ACCESSIBILITY.

The Department of Utilities shall furnish a meter of proper size and a remote readout on such meter for each new water service; Provided, that the applicant for such water service has met all requirements of the Department of Utilities. When requested, water meters may be rented by negotiation with the Department of Utilities. Each water meter shall, at all times, be located where it is readily assessable to personnel of the Department of Utilities. Whenever a meter is not readily accessible, the owner of the property involved shall be responsible for complying with this regulation at the owner's expense.

§3-115 MUNICIPAL WATER SYSTEM; WATER METERS CONNECTIONS AND DISCONNECTION'S GENERALLY.

Before any water meter is set or installed, approval thereof shall be obtained from the Department of Utilities. Each water meter shall be installed with proper meter unions. All water used for construction purposes shall be metered.

When for any reason a water service or a stub-in to or for a particular property is abandoned, the owner of the property shall promptly have such service shut off at the corporation cock at the main and have any branch sealed and capped under the direction of the Department of Utilities. If, in the opinion of officials of the Department of Utilities, the owner does not comply with this regulation within a reasonable time, such service shall be shut off by the Department of Utilities and all expense connected therewith shall be chargeable against the property and shall be paid by the owner.

§3-116 MUNICIPAL WATER SYSTEM; RIGHT OF ENTRY.

Every person taking water supplied through the water system of this City shall permit the Department of Utilities or its duly authorized agent, at all reasonable hours of the day, to enter his premises or buildings to read meters or to remove meters for repairs or inspection, or to examine the pipes and fixtures and the manner in which water is used, and shall at all times, frankly and without concealment, answer all questions relative to the consumption of water.

§3-117 MUNICIPAL WATER SYSTEM; RESPONSIBILITY OF PROPERTY OWNER FOR SERVICE LEAKS AND REPAIR OF SERVICES.

The owner of property taking City water shall keep his own service, curb cocks, stop boxes, meter pits, and all other associated apparatus in good repair and safe working order; and shall be responsible for damage to meters caused by fire, hot water, frost, overload, or any other damage except ordinary wear. All hot water tanks and other apparatus shall be designed to withstand the maximum fire pressure supplied by the Department of Utilities.

Whenever there is a water leak from a service pipe or a supply pipe or associated fittings or appurtenances to or for a particular property, the owner shall promptly have such service repaired or shut off at the corporation cock at the main. If, in the opinion of officials of the Department of Utilities, the owner does not comply with this regulation within a reasonable time, such service shall be shut off by the

Department of Utilities and all expense connected therewith shall be chargeable against the property and shall be paid by the owner.

§3-118 MUNICIPAL WATER SYSTEM; RATES AND CHARGES, BILLING.

All expense from water service or from water mains shall be borne by the applicant for water service. The City Council shall by ordinance fix rate charges for water consumed by customers, minimum bills, the amount of deposit as a guarantee for the payment of bills and all other fees or charges for service rendered by the Water System.

All water shall be measured by meter; bills shall be paid monthly; and the customer will, in all cases, be held responsible and be required to pay for water used at such premises. The amount of water used will determine the price payable each month.

All fractions of a month shall be charged and considered as a full month. Monthly usage is determined to the nearest hundred cubic feet. In cases of multiple connections to separate buildings on one (1) master meter, the minimum monthly charge shall not be less than the sum of the applicable minimums listed for each connection off the one (1) master meter.

All officers of the water system are prohibited from allowing credit. The Department of Utilities shall shut off water from any premises in compliance with the disconnection procedures described in Section 3-901.

§3-119 MUNICIPAL WATER SYSTEM; TURNING ON WATER.

Water will not be turned on into any house or private service pipe except upon the recommendation of Department of Utilities and order of the City Administrator or Assistant City Administrator - DU or its duly authorized agent, or until an occupancy permit has been issued. When the water has been turned off from any consumer of City water, he shall not turn it on or permit it to be turned on without the consent of the Department of Utilities. The Utility and Infrastructure Board and the City Administrator shall recommend and the City Council shall determine the fee for such services.

§3-120 MUNICIPAL WATER SYSTEM; LIABILITY FOR CHARGES FOR WATER USED BY SEVERAL PARTIES FROM ONE (1) SERVICE PIPE.

Where service pipe is intended to supply two (2) or more distinct tenants, and where only one (1) stop is used, the person controlling the same shall pay the water charge of all parties who are thus supplied, as separate bills will not be made.

§3-121 MUNICIPAL WATER SYSTEM; MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Department of Utilities to shut off the water at the stop box, in which case he shall not be liable thereafter for water charges until the water is turned on again.

§3-122 MUNICIPAL WATER SYSTEM; 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 charges in arrears, shall be considered a delinquent water charge 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 sixty (60) days or more delinquent in the payment of water charges.

§3-123 MUNICIPAL WATER SYSTEM; RESTRICTED USE.

The City Administrator or the City Council upon the recommendation of the Utility and Infrastructure Board 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.

§3-124 MUNICIPAL WATER SYSTEM; FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires, except private hydrants located on private property, are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or their designated representative; or authorized employees of the Department of Utilities in any manner to interfere with the hydrants.

§3-125 MUNICIPAL WATER SYSTEM; PRIVATE CONNECTIONS FOR FIRE PURPOSES.

Any consumers of water, wishing to lay large pipes with hydrants and hose couplings to be used only in case of fire, will be permitted to connect with the mains at their expense, but only under the direction of, and after approval by the City Administrator of the layout and materials used. All materials used shall be compatible with those normally used by the Department of Utilities.

It shall be the responsibility of the owner of the property served to maintain such private fire connections, including all associated apparatus, in good repair and safe working order. Upon request, the Department of Utilities will inspect and/or repair such private hydrants, charging fees as recommended by the Utility and Infrastructure Board and established by the City Council.

The use of water from such private lines and hydrants will be metered and subject to rates and fees recommended by the Utility and Infrastructure Board and established by the City Council. Any other use of water from such fire lines or hydrants without being properly metered shall not be allowed.

§3-126 MUNICIPAL WATER SYSTEM; POLLUTION.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water System, or to inject the same into the distribution system.

§3-127 MUNICIPAL WATER SYSTEM; MANDATORY HOOK-UP.

All persons within three hundred (300) feet of a water main shall be required, upon notice by the City Council, to hook-up with the Municipal Water System.

§3-128 MUNICIPAL WATER SYSTEM; WATER SERVICE CHANGES.

Any person wishing to change from one location to another shall make a new application. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Department of Utilities who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Department of Utilities is otherwise advised of such circumstances.

§3-129 MUNICIPAL WATER SYSTEM; DESTRUCTION OF PROPERTY.

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

§3-130 MUNICIPAL WATER SYSTEM; TIME.

All taps or plumbing work done on or to the Municipal Water System shall be done at reasonable hours, except in the case of emergencies or in cases where special arrangements have been made.

§3-131 MUNICIPAL WATER SYSTEM; SERVICE OUTSIDE OF CITY.

The Department of Utilities is hereby authorized to sell water service to persons outside the corporate limits of the City and shall charge such persons the rates, charges, fees, deposits, connection fees and minimum bills as are required by resolution of the City Council and further, such persons shall pay any cost or expense incurred by the Department of Utilities beyond the City's corporate limits in providing the means for such water service.

No water service will be provided to residents outside the corporate limits of the City who are eligible for annexation, without the recommendation of the Utility and Infrastructure Board and the approval of the Mayor and City Council.

Residents outside the corporate limits of the City who are not eligible for annexation may request water service and, at their discretion, the Mayor and City Council may grant such service.

At the time any request for service is made by residents living outside the City limits, each shall sign an agreement with the City to annex when eligible. Refusal to annex when eligible would be grounds for the City to discontinue such service.

§3-132 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY.

The Department of Utilities 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 the System in accordance with the provisions of this Article

§3-133 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY.

While performing the necessary work on private properties referred to in Section 3-132 above, the Department of Utilities 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 inspections, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

§3-134 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS.

The Department of Utilities 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 Water System lying within said easement. No permanent buildings, trees, retaining walls, nor loose rock walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights. The City may remove part or all of the above if necessary to perform its duties at the owner's expense. Variances to this section may be made by resolution of the City Council.

§3-135 MUNICIPAL WATER SYSTEM; WELLS AND SUMP PUMPS, DISCHARGES REGULATED.

No well or sump pump or series of wells or sump pumps installed for the purpose of dewatering groundwater or groundwater seepage from a basement shall be installed and discharged into a surface drainage system or storm sewer in the City of Fremont if said well(s) or sump pump(s) exceeds the pumping capacity of twenty-five (25) gallons per minute in aggregate for any one (1) property.

The City Council may, upon application of the property owner, approve a dewatering well(s) or sump pump(s) for a specific property in excess of twenty-five (25) gallons per minute if it is determined that said approval will not jeopardize the capacity of the storm sewer system for handling stormwater runoff.

This regulation shall not apply to dewatering wells for public improvement projects or for emergency repairs to private sanitary sewer or water service.

It shall be unlawful to allow any dewatering well or sump pump to discharge into a City Street when the ambient temperature is below thirty-five (35°) degrees F unless City Council approval is received.

§3-136 MUNICIPAL WATER SYSTEM; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM; PROHIBITED; POTENTIAL BACKFLOW HAZARD; CUSTOMER ASSESSMENT.

- (1) No customer or other person shall cause, allow, or create any physical connection between the Municipal Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, wells or other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the Municipal Water Distribution System.
- (2) The customer shall be responsible to cause all backflow, backpressure or back-siphonage protection devices equipped with test ports to be tested as often as required by the Utilities, but at least upon initial installation, when repaired, and once each year. All tests shall be done by a Backflow Preventer Test and Repair Technician, Grade VI Water Supply Operator, certified by the State of Nebraska Department of Health. Test results shall be forwarded to the Department of Utilities Water & Sewer Systems Superintendent on standard reporting forms. The test report shall be signed by the certified tester, attesting to proper backflow preventer operation. Devices equipped with test ports and installed on lawn sprinkling systems which are supplied with water from a service line equipped with a backflow, backpressure or back-siphonage detection device shall be tested upon initial installation, replacement of integral parts, and every fifth year thereafter.
- (3) At least one (1) time every five (5) years, customers of the Municipal Water Distribution and Supply System shall be required to assess and report potential backflow and back-siphonage hazards to the City on a form supplied by the City to the customer.
- (4) Enforcement of these provisions shall be carried out in accordance with the "Cross Connection - Backflow Prevention" rules and regulations promulgated by the Department of Utilities, recommended by the Utility and Infrastructure Board and adopted by the City Council, and hereby adopted by reference.

ARTICLE 2 SEWERAGE SYSTEM

§3-201 MUNICIPAL SEWERAGE SYSTEM; OPERATION AND FUNDING.

The City owns and operates the Municipal Sewerage System through its Department of Utilities. The City Council, for purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the Municipal Sewerage System may

establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R; and
3. Generate revenues to pay the costs for capital expenditures and debt service.

The revenue from the said user charge system based on actual use shall be known as the Sewerage System Fund. The City Administrator shall have the direct management and control of the Sewerage System and shall faithfully carry out the duties of its office. The Utility and Infrastructure Board shall have the authority to recommend rules and regulations for the sanitary and efficient management of the Sewerage System subject to the supervision, review and approval of the City Council.

§3-202 MUNICIPAL SEWERAGE SYSTEM; DEFINITION OF TERMS.

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

BIOLOGICAL OXYGEN DEMAND. The term "Biological Oxygen Demand" (BOD) shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

BUILDING OR HOUSE DRAIN. The term "Building Drain" and "House Drain" shall mean and include that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The term "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

CITY. The term "City" shall mean the City of Fremont, Nebraska.

COMBINED SEWER. The term "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

EASEMENT. The term "Easement" shall mean an acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. The term "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of

floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The term "Garbage" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, sale and serving of foods.

INDUSTRIAL WASTES. The term "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic or sanitary wastes.

MAY. The term "May" is permissive; the term "Shall" is mandatory.

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

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

pH. The term "pH" shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PROPERLY SHREDED GARBAGE. The term "Properly Shredded Garbage" shall mean the wastes from the handling, preparation, cooking, sale and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1 inch (1.27 centimeters) in any dimension.

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

SANITARY SEWER. The term "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE. The term "Sewage" is the spent water of a community. The preferred term is "Wastewater."

SEWAGE TREATMENT PLANT. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The term "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

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

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM SEWER. 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.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATERS. The term "Unpolluted Waters" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER. The term "user" shall mean for the purpose of this Article all persons whose premises are served by the City sanitary sewerage system including all owners and tenants of real estate and buildings which are connected with such sanitary sewerage system, or are served thereby or in any way, either directly or indirectly, discharge sewage, industrial waste, water or other liquids therein. Users shall be classified as residential users who are within or outside the City or commercial users who are within or outside the City and further sub-classified on basis of user's size of water meter or service and the extent and amount of use by user. A residential user is defined to mean the owner or tenant of a dwelling used exclusively for residential purposes for one (1) family and which is connected to the City sanitary sewerage system and having a separate water meter water connection. All other users are defined to be commercial users.

UTILITY AND INFRASTRUCTURE BOARD. The term "Utility and Infrastructure Board" shall mean the authorized Utility and Infrastructure Board of the City of Fremont, or its authorized deputy, agent or representative.

WASTEWATER. The term "wastewater" shall mean the spent water of a community. From the stand- point of source, it may be a combination of the liquid

and water-carried wastes from residences, commercial buildings, industrial plants, and institutions. "Normal wastewater" shall mean sewage which when analyzed shows by weight a daily average of not more than 275 parts per million (2293 pounds) of suspended solids, not more than 250 parts per million (2085 pounds) of BOD [or where biochemical oxygen demand cannot accurately be determined, a chemical oxygen demand greater than 400 parts per million (3336 pounds)] and not more than 120 parts per million (1000 pounds) of either insoluble matter (grease and oil), each per million gallons of daily flow.

WASTEWATER FACILITIES. The term "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT PLANT. The term "Wastewater Treatment Plant" shall mean an arrangement of devices and structure for treating wastewater, industrial wastes, and sludge. Some- times used as synonymous with "Waste Treatment Plant" or "Wastewater Treatment Works" or "Water Pollution Control Plant."

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

§3-203 MUNICIPAL SEWERAGE SYSTEM; SEWERSERVICE.

The City through the Municipal Sewerage System 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 rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service. 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 may hereafter be adopted, the Department of Utilities, or its 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 Department of Utilities or its agent.

§3-204 MUNICIPAL SEWERAGE SYSTEM; SERVICE CHANGES.

Any person wishing to change from one location to another shall make a new application. If any customer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Department of Utilities who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that

period of time until the Department of Utilities is otherwise advised of such circumstances

§3-205 MUNICIPAL SEWERAGE SYSTEM; RATES, GENERALLY.

For the use of the City sanitary sewerage system each user shall pay a monthly charge which shall be computed and based upon his contribution of sewage to such system.

The monthly contribution of sewage from a residential user shall be considered equal to one-third (1/3) of the water consumed by the user as shown by the water billing rendered during the months of January, February, and March last preceding the date of billing for sewercharges.

The contribution of sewage from a commercial user shall be considered equal to the amount of water consumed as shown by the current water billing plus any water used from other than the Municipal water system as estimated or determined as provided by this Article, except multiple dwelling residences used solely for residential purposes shall be charged on a commercial rate, but the contribution of sewage will be determined on the same basis as a residential user.

The sewage contribution of a new residential user, either within or without the corporate limits of the City, with no established winter months' water record shall be based on estimated usage until such time as the base contribution of sewage is determined.

All fractions of a month shall be charged and considered as a full month. Monthly usage is determined to the nearest hundred cubic feet.

§3-206 MUNICIPAL SEWERAGE SYSTEM; RATES, SETTING.

Rates, fees, minimum charges and surcharges for the use of the Municipal Sewerage System shall be set by ordinance by the City Council. Such rate and fee schedules shall be on file in the office of the City Clerk and available for public inspection during regular office hours.

In cases of multiple connections to separate buildings on one (1) master meter, the minimum monthly charge shall not be less than the sum of the applicable minimums listed for each connection off the one (1) master meter. In the event an individual service has no meter, the service size shall determine the minimum charge.

§3-207 MUNICIPAL SEWERAGE SYSTEM; SURCHARGE; WHEN APPLICABLE; METHOD OF ESTABLISHING.

In addition to the basic monthly charge required, when any user discharges into the Sanitary Sewerage System significant (as recommended by the Utility and Infrastructure Board and determined by the City Council) concentrations or quantities of wastewater, which as determined by the City Council, has a strength greater than normal wastewater (as defined) or discharges other substances or objects that impact

sewerage operations, such user shall be subject to a sewer use surcharge, to be determined as set forth by this Section, the purpose of such surcharge being to help defray the extra cost to the City of treating such wastewater.

For use in determining the sewer use surcharge to be made against a given user for a given period of time, the Department of Utilities shall sample and analyze the wastewater discharge in order to determine the strength and/or composition of the wastewater over such period. Usually samples shall be taken from such wastewater discharge on at least three (3) composites during operations on such property. The City Council, at such times as general sewer rates are changed, shall determine the unit cost (\$/lb.) to the City of removing suspended solids, of removing biochemical oxygen demand or chemical oxygen demand and of other additional treatment required for such wastewaters, flowing into the City's wastewater treatment facilities. Such determination by the City Council shall be cost based. All such sampling and analyzing of the wastewater discharge shall be in accordance with the provisions of the latest addition of "Standard Methods for the Examination of Water and Wastewater"; however, the City Council may at its discretion accept such sampling and analyzing results as may be submitted by the user on such property if the Utility and Infrastructure Board recommends and the City Council reasonably determines that such results properly reflect the overall nature of such discharge.

At the approximate end of each month, quarter, or semiannually, as recommended by the Utility and Infrastructure Board and determined by the City Council, the City Council shall make a computation of the sewer use surcharge for each property discharging industrial wastes or other high strength wastewater using the following formula:

$$SC=[R_p (P_i-P_n) + R_s (S_i-S_n) + R_x (X_i-X_n)]x8.34xV$$

Where SC = Surcharge, \$

R_p = Unit BOD cost (or COD cost when used in lieu of BOD) of treating normal wastewater, \$/lb.

P_i = BOD or COD in the industrial waste, p.p.m. P_n = BOD or COD in normal wastewater, p.p.m.

R_s = Unit suspended solids cost of treating normal wastewater, \$/lb, S_i = Suspended solids in the industrial waste, p.p.m.

S_n = Suspended solids in normal wastewater, p.p.m.

R_x = Unit cost of treating any additional substance in the industrial waste, \$/lb. (such as grease)

X_i = Substance requiring additional treatment in the industrial waste, p.p.m.

X_n = Substance requiring additional treatment in normal wastewater, p.p.m.

8.34 = lb./million gallons - mg /1

V= Wastewater volume, million gallons

R_p = \$_____, set by ordinance R_s = \$_____, set by ordinance R_x = \$_____, set by ordinance

§3-208 MUNICIPAL SEWERAGE SYSTEM; USER CHARGE REVIEW.

The City Council shall periodically review the user charge system and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R; and
3. Generate revenues to pay the costs for capital expenditures and debt service.

§3-209 MUNICIPAL SEWERAGE SYSTEM; SEWERAGE AINTENANCE FUND.

All revenues collected from the user charge system shall be placed in a separate fund known as the Sewerage System Fund and the moneys in such fund shall be used to pay operation, maintenance and replacement (OM&R) costs and the capital cost system expansion projects.

§3-210 MUNICIPAL SEWERAGE SYSTEM; CLASSIFICATION.

The City Council may classify for the purpose of user rates and fees the customers of the Municipal Sewerage System; Provided, that such classifications, are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

§3-211 MUNICIPAL SEWERAGE SYSTEM; COLLECTION OF SEWER CHARGES AND FEES.

Sewer use bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the Municipal Water System shall also be applicable to delinquent accounts with the Municipal Sewerage System.

§3-212 MUNICIPAL SEWERAGE SYSTEM; SEPARABILITY OF CHARGES, METERS.

The monthly charge imposed pursuant to this Article shall be applied separately to each individual user having a separate water meter which measures water contributed to or discharged into the City sanitary sewerage system. In the case of unmetered water supply, the quantity of water used and discharged into the sanitary sewerage system shall be recommended by the Utility and Infrastructure Board and determined

to the satisfaction of the City Council and at the expense of the owner of the unmetered water supply.

If the quantity of unmetered water discharged into the sanitary sewerage system is estimated by the City Council to be ordinarily in excess of the amount permitted to be used per month under the minimum charge as applied to such user, the Utility and Infrastructure Board may recommend that the City Council require that such water supply be metered at the expense of the owner or user.

Before installation of such metering, the particular meter(s) shall be approved by the Department of Utilities. Such meter(s) shall be tested periodically by the Department of Utilities at its discretion, such testing costs to be paid by the owner or user. It shall be the responsibility of the owner or user to maintain such meter(s) in good repair and safe working order.

§3-213 MUNICIPAL SEWERAGE SYSTEM; CHARGE WHEN METER OUT OF REPAIR, METER REPAIRS.

Should a water meter get out of order or repair and fail to register properly, the user will be charged based on an estimated consumption of water. Any water meter out of order shall be repaired and put into operation as soon as practical.

§3-214 MUNICIPAL WATER SYSTEM; ESTABLISHMENT OF EXCEPTIONS TORATES.

If any user can show to the satisfaction of the Department of Utilities that any substantial portion of the water consumed by such user as determined by this Article is used for such purpose that it does not contribute to the sanitary sewage, then that water shall be disregarded for the purpose of determining the sanitary sewer charges to such user.

Generally such water use shall be metered by the user. Before installation of such metering, the particular meter(s) shall be approved by the Department of Utilities. Such meter(s) shall be tested periodically by the Department of Utilities at its discretion, such testing costs to be paid by the owner or user. It shall be the responsibility of the owner or user to maintain such meter(s) in good repair and safe working order.

§3-215 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 within two (2) miles of the corporate limits thereof, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

§3-216 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the City, or within two (2) miles of the corporate limits thereof, or in any area under the jurisdiction of said

City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§3-217 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.

§3-218 PUBLIC SEWERS; REQUIRED; MANDATORY HOOK-UP.

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so.

§3-219 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE.

Where a public sanitary sewer is not available under the provisions of Section 3-217, 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 3-217, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

§3-220 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 Plumbing Inspector. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Council. A permit and inspection fee in an amount set by the City Council shall be paid at the time the application is filed.

§3-221 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 Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The

inspection shall be made within twenty-four (24) hours of the receipt of notice by the Plumbing Inspector.

§3-222 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 Public Health of the State of Nebraska. 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 ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§3-223 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.

§3-224 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS.

No statement contained in Sections 3-220 thru 3-224 shall be construed to interfere with any additional requirements that may be imposed by the State of Nebraska.

§3-225 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 Department of Utilities.

§3-226 BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Department of Utilities. A permit and an inspection fee in amounts recommended by the Utility and Infrastructure Board and set by the City Council for each class shall be paid to the Department of Utilities at the time the application is filed. Permits are required before any work is started except in the case of an emergency.

§3-227 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.

§3-228 BUILDING SEWER INSTALLATION; CONNECTIONS, GENERALLY.

Each applicant for sewer service shall have all sewer pipes and associated apparatus installed by a licensed plumber.

Connections with the sewers of the City system shall be of first class quality, minimum size of four (4") inch vitrified clay, cast iron, or plastic pipe, all with their suitable connections and of proper composition and weights to conform with the latest standards of the Uniform Plumbing Code and United States Commercial Standards, without reducers, laid to a uniform grade, with gasket joints in correct and good workmanlike manner. No traps shall be allowed throughout the entire line, and the soil pipe shall be continuous for ventilation purposes to a point not less than twelve (12") inches above the roof of the building, such soil pipes to be coated with an approved tar or asphaltic preparation. All connections with such pipes shall be properly trapped with a water seal of not less than one half (1/2") inch in depth, such seal to be protected against siphonage by connection with such pipes above the outer upper end of the trap. All joints shall be welded (glued joint) or be made by an approved method to permit no gas to escape. Connections with other than the City sewers shall be done according to the directions of the Department of Utilities.

It shall be the responsibility of the owner of the property served to maintain all sewer pipes and associated apparatus in good repair and safe working order.

When for any reason a sanitary sewer service is abandoned, the owner of the property shall promptly have such service shut off at a point between the property line and the City sewer line by capping such service under the direction of and in a manner approved by the Department of Utilities. If, in the opinion of officials of the Department of Utilities, the owner does not comply with this regulation within a reasonable time, such service shall be capped by the Department of Utilities and all expense connected therewith shall be chargeable against the property and shall be paid by the owner.

§3-229 MUNICIPAL STORM SEWER SYSTEM; STORM SEWER CONNECTIONS, GENERALLY.

All taps and connections with the City storm sewer system shall be made a licensed plumber or contractor under the supervision of the Department of Utilities. No such taps or connections shall be made except by a licensed plumber or contractor, and the cost of such connections shall be borne by the person requesting the same.

It shall be the responsibility of the City of Fremont to maintain such taps and connections from public lines, including all associated apparatus, in good repair and safe working order.

When for any reason a tap or connection with the City storm sewer system is abandoned, the owner shall promptly have such tap or connection shut off at a point between the property line and the City storm sewer line by capping such line under the direction of and in a manner recommended by the City Administrator and approved by the City Council. If, in the opinion of the City Administrator or his authorized agent, the City of Fremont does not comply with this regulation within a reasonable

time, such service line shall be capped by the Department of Utilities and all expense connected therewith shall be chargeable against the property and shall be paid by the City of Fremont.

No discharge of water used for the heating or cooling of a building shall be permitted to be discharged to the storm sewer system of the City of Fremont, except as previously authorized.

§3-230 MUNICIPAL SEWERAGE SYSTEM; CHARGE FOR CONNECTIONS OUTSIDE CITY.

The City shall charge and collect fees for sanitary sewer connections to the public sewer for properties outside the corporate limits of the City:

1. If, abutting the property, there is an existing public sewer laid according to the specifications of the City of Fremont for which the property owner has paid the assessable cost, there will be a connection charge for each connection; if the property owner has not paid the assessable cost, there will be an additional charge for each connection; if the public sewer has been installed by the City at its own expense without assessment of the property, the connection charge shall be the estimated assessable cost plus an additional fee for each connection.
2. If there is no public sewer abutting the property the connection charge shall be the estimated assessable cost for installing a public sewer in front of the property plus an additional charge for any connection. Should a public sewer abutting the property be subsequently installed and costs assessed to the property, the property owner may request and receive credit against the assessable cost for that portion of the connection charge for each connection.

Assessable costs shall be determined by the Mayor and City Council upon the recommendation of the City Engineer and the City Administrator.

§3-231 BUILDING SEWER INSTALLATION; SINGLE PREMISE.

A separate and independent building sewer shall be provided for every building except: (1) where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned; or, (2) where attached single family dwelling units are approved by the City Council per the requirements of City of Fremont Municipal Code, Chapter 11, one building sewer may serve two attached dwelling units provided the sewer is split to provide separate sewer services to each dwelling unit before the sewer enters the building.

§3-232 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 Department of Utilities, to meet all requirements of this Article.

§3-233 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. 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. 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 Department of Utilities before installation. Any defective or other non-compliant work shall, upon written notice, be promptly remedied.

§3-234 BUILDING SEWER INSTALLATION; PLUMBERS TO HAVE SPIRIT LEVEL, FALL PER FOOT REQUIRED.

Plumbers shall be required to keep on hand a spirit level in proper order where work is being done in connection with public sewers, and their returns shall show the actual depths below the surface and fall per foot to which their pipes have been laid.

§3-235 BUILDING SEWER INSTALLATION; STABLE WASTE.

Sewer connections for stable waste shall be syphon form approved by the sewer inspector.

§3-236 BUILDING SEWER INSTALLATION; STEAM EXHAUSTS.

Steam exhausts shall be discharged into catch basins and not directly into sewer pipes.

§3-237 BUILDING SEWER INSTALLATION; JUNCTION PIPES.

No junction pipe shall be cut or taken up for connection without a special permit, and then only in the presence of an inspector.

§3-238 BUILDING SEWER INSTALLATION; CONNECTIONS.

Sewer pipe connections both inside and outside of buildings shall be by "Y's" and not by "T's."

Changes of directions of sewer pipes shall be made by properly curved pipe, and not by edging or cutting.

§3-239 BUILDING SEWER INSTALLATION; UNCOVERING SEWER LINES.

Accidents to sewers by caving or cleaning of private connections shall be promptly reported to the Department of Utilities. No "Y's" shall be uncovered for sewer connection without the presence of an inspector.

§3-240 BUILDING SEWER INSTALLATION; ENTERING MANHOLES.

Entrance into manholes or the opening of the same, except by the Department of Utilities personnel, is strictly prohibited.

§3-241 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 unless such connection is approved by the City Administrator or his authorized agent for purposes of disposal of polluted surface drainage; Provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

§3-242 BUILDING SEWER INSTALLATION; INSPECTIONS.

The applicant for the building sewer permit shall notify the Department of Utilities 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 Department of Utilities or its representative.

§3-243 BUILDING SEWER INSTALLATION; EXCAVATIONS.

GENERALLY: Trenches in public streets or alleys excavated for sewer purposes shall be excavated so as to impede travel as little as possible. In the event that any street or alley must be closed for the excavations to be made, the Police and Fire Departments shall be notified prior to closing. The crossing of gutters and all other ways shall be left in shape so as to permit the ready escape of water during storms. Planks or other means shall always be provided where sidewalks or crossings are opened so as to provide easy crossing over such trenches.

BARRICADES AND LIGHTS. Flashing yellow lights shall be kept around all such unfinished work at night and sufficient barricades against accidents shall be placed around such excavations at all times.

WORK NOT TO BE DELAYED, ETC. Work in the public streets shall not be unnecessarily delayed, and, when directed by the City Administrator, the number of workmen shall be increased to hasten the work to the extent the Department of Utilities may deem necessary for public interests.

BRACING CERTAIN TRENCHES. Trenches in depth of four (4') feet or over, and all trenches made in otherwise treacherous soil, or near large masonry buildings, shall be properly braced, and the party excavating, and his bondsmen, shall be liable for all damages arising by reason of any neglect in this respect.

REFILLING TRENCHES. The refilling of all trenches, if in unpaved streets or alleys, shall be well and thoroughly done in uniform layers of not exceeding four (4") inches and tamped with a tamper of not less than forty (40) pounds weight or with puddled earth, as may be directed by the Inspector, or other agents of the City entrusted with the supervision of such work, so as to replace all excavation material, and leave the surface in as good a condition as it was found before the commencement of the work. (Ref. 16-66, Code 1972)

§3-244 PROHIBITED DISCHARGES; STORM-WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by recommendation by the Utility and Infrastructure Board and with permission of the City Council and in compliance with applicable Federal and State laws.

Stormwater, other than that which is exempted herein, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet recommended by the Utility and Infrastructure Board and approved by the City Council and other regulating agencies. Industrial cooling water or unpolluted process water may be discharged, on recommendation of the Utility and Infrastructure Board and approval of the City Council, to a storm sewer or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the City for such costs. The costs shall be recommended by the Utility and Infrastructure Board with the approval of the, City Council.

§3-245 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.
5. Any waters or wastes having:
 - a) a daily average BOD greater than 250 parts per million by weight,
 - b) containing more than 275 parts per million by weight of suspended solids, or
 - c) a chlorine requirement greater than demanded by normal sewage as evaluated by the City's qualified personnel shall be subject to the review of the City Council.

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

- a) reduce the biochemical oxygen demand to 50 parts per million by weight, and/or
- b) reduce the suspended solids to 275 parts per million by weight, and/or
- c) control the quantities and rates of discharge of such waters or wastes, and/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 recommendation of the Utility and Infrastructure Board and the approval of the City Council and no construction of such facilities shall be commenced until said approvals are obtained in writing.

§3-246 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS RECOMMENDED BY UTILITY AND INFRASTRUCTURE BOARD AND APPROVED BY THE CITY COUNCIL.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if appears likely in the opinion of the City Council 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. The Utility and Infrastructure Board may recommend to the City Council, and the City Council may set limitations lower than the limitations established below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability of these wastes, the Utility and Infrastructure Board and the City Council will each 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 limitations or restrictions on

materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without the approval of the City Council are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150⁰) degrees Fahrenheit (65° degrees C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees and one hundred fifty (150⁰) degrees F (0 and 65° C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the recommendation of the Utility and Infrastructure Board and the review and approval of the City Council.
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 recommended by the Utility and Infrastructure Board and established by the City Council 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 recommended by the Utility and Infrastructure Board and established by the City Council 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 recommended by the Utility and Infrastructure Board and established by the City Council in compliance with applicable State or Federal regulations.
8. Any waters of 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 water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which

interfere with the collection system or create a condition deleterious to structures and treatment processes.

§3-247 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3-246, and which in the judgment of the City Council, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the City Council may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-252.

If the City Council permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and recommendation of the Utility and Infrastructure Board and the review and approval of the City Council, and subject to the requirements of all applicable codes, ordinances and laws.

§3-248 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity recommended by the Utility and Infrastructure Board and approved by the City Council and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the City Council.

§3-249 PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER.

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

§3-250 CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE.

When required by the City Council, 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 recommended by the Utility and Infrastructure Board and approved by the City Council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§3-251 CONTROL MANHOLES/ SAMPLING STATIONS; METHOD.

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

§3-252 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.

§3-253 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY.

The Department of Utilities 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 Utility and Infrastructure Board , City Council or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§3-254 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY.

While performing the necessary work on private properties referred to in Section 3-253 above, the Department of Utilities 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 3-250.

§3-255 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS.

The Department of Utilities 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. No permanent buildings, trees, retaining walls, nor loose rock walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights. The City may remove part or all of the above if necessary to perform its duties at the owner's expense. Variances to this section may be made by resolution of the City Council.

§3-256 VIOLATION; NOTICE AND LIABILITY.

Any person found to be violating any provision of this Article except Section 3-213 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.

§3-257 MUNICIPAL SEWERAGE SYSTEM; MUNICIPAL POWERS.

The City has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside the City limits.

§3-258 MUNICIPAL SEWERAGE SYSTEM; LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewerage services furnished, such amount due, together with any charges in arrears, shall be considered a delinquent sewerage charge 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 sixty (60) days or more delinquent in the payment of sewerage charges.

§3-259 MUNICIPAL SEWERAGE SYSTEM; UTILITY AND INFRASTRUCTURE BOARD, RULES AND REGULATIONS.

For the purpose of carrying out the provisions of this Article, the Utility and Infrastructure Board may recommend and the City Council and City Administrator may promulgate such rules and regulations not inconsistent with the provisions of this Article as it deems necessary.

ARTICLE 3. ELECTRIC SYSTEM

Editor's Note: Regulations on poles, wires, cables and conduits are located in Chapter 8.

§3-301 MUNICIPAL ELECTRIC SYSTEM; OWNERSHIP.

The City owns and operates the Municipal Electric System through its Department of Utilities. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electric System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electric Fund and shall remain in the custody of the Director of Finance. The Utility and Infrastructure Board and City Administrator shall recommend to the City Council, and the City Council shall have the authority to adopt, review and supervise rules and regulations for the safe and efficient management of the Electric System. The City Council shall by ordinance set the rates to be charged for services rendered and shall file the same in the office of the City Clerk for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. §16-675, Neb. Rev. Stat. §16-681)

§3-302 MUNICIPAL ELECTRIC SYSTEM; CONTRACTS AND TERMS.

The City through its Department of Utilities, shall furnish electric current for light, heat and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, its Electric System may be required to do so. The rules, regulations, and rates for electric service, hereinafter named in this Article, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between the City and every consumer now served by the Electric System. 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. If a customer should violate any of the provisions of said contract or any reasonable rules and regulations the Department of Utilities may hereafter adopt, the Utility and Infrastructure Board may recommend that the City Council, or its agent, shall cut off or disconnect the electric service from the

building or place of such violation and no further connection of electric service for such building or place shall again be made safe or except by order of the City Council or its agent.

§3-303 MUNICIPAL ELECTRIC SYSTEM; APPLICATION.

Every person desiring to obtain electricity from the City system shall make application therefor in writing upon forms furnished by the Department of Utilities, stating therein the location of the house or building, by street and number, desired to be connected, stating the type of service desired and any other appropriate information recommended by the Utility and Infrastructure Board and deemed necessary by the City Council.

§3-304 MUNICIPAL ELECTRIC SYSTEM; ELECTRIC SERVICE CHANGES.

Any person wishing to change from one location to another shall make a new application. If any consumer shall sell, dispose, or remove from the premise where service is furnished in his name, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Department of Utilities who shall cause the electric service to be shut off from the said premise. If the consumer should fail to give such notice, he shall be charged for all electricity used on the said premise until the Department of Utilities is otherwise advised of such circumstances.

§3-305 GENERAL UTILITIES DEPOSIT.

The City Council is hereby authorized and empowered to require a new or existing purchaser of City utility services to be subject to the deposit policy recommended by the Utility and Infrastructure Board and adopted by the City Council.

§3-306 MUNICIPAL ELECTRIC SYSTEM; WIRING AND CONNECTIONS.

The wiring of all houses or buildings shall be done under the supervision of the City Electrical Inspector and by a licensed electrician. All expenses of wiring, up to and including outlets, shall be borne by the applicant for City electric service. The Department of Utilities will furnish the meter and connecting service wires to the outlets of buildings. No person shall make any connections to the electric service except an employee of the Department of Utilities.

The wiring of all houses or buildings within the City for electric service shall be done under and according to the rules and regulations adopted by the National Fire Underwriters Association of the United States, as set forth in the National Electrical Code, latest edition, which rules and regulations are on file with the City Clerk and are adopted by the City, and such other regulations that may be required by the City.

§3-307 MUNICIPAL ELECTRIC SYSTEM; UNDERGROUND CONNECTIONS.

Underground connection may be made to the City Electric System. Such connections shall be subject to any special charges and/or regulations recommended by the Utility and Infrastructure Board and set by the City Council.

§3-308 MUNICIPAL ELECTRIC SYSTEM; NONCONFORMING WIRING.

Any wiring for electric service in any house or building in this City found by the Electrical Inspector to be done or existing in violation of the rules and regulations as set forth in this Article shall be ordered by him to be changed to conform to such rules and regulations, and on the failure of the person owning such house or building to change such wiring, the Electrical Inspector will then order the Department of Utilities to discontinue service.

§3-309 MUNICIPAL, ELECTRIC SYSTEM; REPAIRS AND MAINTENANCE.

Customers shall be required to keep their wiring, fixtures and appliances, connected to the service wires of the Department of Utilities, in good repair and shall be responsible for all charges for service and maintenance.

Customers shall be responsible for all damages or loss of the property belonging to the Department of Utilities located on such customers' premises unless occasioned by causes beyond their control or the negligence of the Department of Utilities.

§3-310 MUNICIPAL ELECTRIC SYSTEM; LIABILITY; RESTRICTED USE.

Neither the City nor any of its authorized agents shall be responsible for any interruption or failure to provide electricity unless such failure or interruption results from the gross negligence of the City or its authorized agents. The City Council or its authorized agents shall have the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability.

§3-311 MUNICIPAL ELECTRIC SYSTEM; RIGHT OF ENTRY.

Customers of City utility services shall give authorized employees of the Department of Utilities permission to enter their premises for the purpose of reading and inspecting meters and keeping in repair or removing all or any part of its apparatus used in connection with the supplying of utility services.

§3-312 MUNICIPAL ELECTRIC SYSTEM; REFUSAL OF SERVICE.

In order to insure good service to all customers, the Department of Utilities shall have the right to refuse electric service connections or maintenance service when it develops that such service cannot be rendered without detriment to the service of other customers.

§3-313 MUNICIPAL ELECTRIC SYSTEM; METERS, LOCATION.

The Department of Utilities shall install and maintain one (1) meter for each class of service supplied. Each service connection shall be billed independently of all others,

except as provided for large power service rate in Section 3-318. Extra meters, for the consumer's convenience, will be supplied by negotiation with the Department of Utilities.

All electric meters shall be placed in or on an accessible part of the building, in such position that meter readers may be able to read same without the use of ladders, etc. The location of and placing of meters shall be approved by the Department of Utilities.

The index of the electric meter of customers shall be taken at the time service is established and at stated periods thereafter, approximately thirty (30) days apart. The Department of Utilities shall not permit the use of current from a single service for two (2) or more buildings unless the buildings are under a common ownership (or leasehold), and are intercommunicating within the buildings and are classed as one fire risk and operated as a single property, or are under a common ownership or leasehold, and are on contiguous property.

§3-314 MUNICIPAL ELECTRIC SYSTEM; INTERFERING WITH METERS.

No person other than an authorized employee of the Department of Utilities shall interfere with, molest or disconnect any electric meter or meter accessory, or break or remove the seal on any meter or meter accessory, or in any way prevent or hinder the action of the same.

§3-315 MUNICIPAL ELECTRIC SYSTEM; METER INDISREPAIR.

In the event that any customer's meter falls out of repair or fails to register properly, the Department of Utilities shall charge such customer the same amount billed one (1) year previous to such disrepair. In the event that there is no such basis for comparison, the Department shall charge the customer such amount as is deemed to be fair both to the customer and the City.

§3-316 MUNICIPAL ELECTRIC SYSTEM; OUTLETS.

All electrical outlets to buildings shall be placed in or on an accessible part of the building nearest to the distribution system and must be approved by the Department of Utilities.

§3-317 MUNICIPAL ELECTRIC SYSTEM; RATES AND CLASSIFICATIONS.

The City Council, upon the recommendation of the Utility and Infrastructure Board, shall by ordinance fix rates for the various types of electric service which are furnished by the City in connection with the operation of the Municipal electric system.

The City Clerk shall maintain at all times at its office open for public inspection a complete list of the classifications and rates for the various types of electric service

furnished by the City, together with any change in rates which shall be made by the City Council.

§3-318 MUNICIPAL ELECTRIC SYSTEM; CLASSIFICATION FOR ELECTRIC RATES.

The classifications of electric services set forth in this section are hereby established and shall be the basis upon which the electric rates and charges shall be based and fixed:

1. Residence Service. Residence Service shall be applicable to single-family residences within the corporate limits of the City for household purposes only, such service to be limited to single phase electric service only. Separate family units in new multi-family dwellings shall be separately metered.
2. Suburban Service. Suburban Service shall be applicable to single-family residences outside the corporate limits of the City for household and farming purposes, only, such service to be limited to single phase electric service only, with no motors larger than ten (10) horsepower. Separate family units in new multi-family dwellings shall be separately metered.
3. Commercial Service. Commercial Service shall be applicable to other than Residence and Suburban Service, such service to be limited to single phase electric service only, with no motors larger than ten (10) horsepower and no electric appliances larger than twelve (12) kilo volt amperes.
4. Commercial Heat Service. Commercial Heat Service shall be applicable to other than Residence and Suburban Service for space heating only, shall be on a separate meter, and shall be based on a minimum of six (6) months consecutive service during the winter season.
5. General Power Service. General Power Service shall be applicable to single phase electric service supplied for motors larger than ten (10) horsepower and electric appliances larger than twelve (12) kilo volt amperes, and to three (3) phase electric service.
6. Large Power Service. Large Power Service may be applicable to service supplied for loads with a monthly demand greater than one hundred (100) kilowatts. Consolidation of service metering can be provided if customer loads exceed normally available capacity and are subject to special conditions of service as recommended by the Utility and Infrastructure Board and established by the City Council. Customer charge for consolidation of metering shall be a one-time fee as determined by the Mayor and Council upon the recommendation of the City Administrator, in addition to normal customer charge. When all such arrangements are provided, there shall be added to such consumer's bill an amount equal to ½% per month, of the difference between the cost of the facilities which the Utilities installs and maintains to provide service at more than one point of delivery and the cost of the facilities which the Department of Utilities would install and maintain to provide service at one point of delivery.

7. Seasonal Power Service. Seasonal Power Service shall be applicable to service supplied for seasonal requirements and shall be based on a minimum of six (6) months service per calendar year.
8. Dusk to Dawn Lighting Service. Dusk to Dawn Lighting Service is a rental lighting service for all- night outdoor lighting. Minimum length of rental agreement for such service is one (1) year.
9. Wholesale Power Service. Wholesale Power Service shall be applicable to service supplied to other electric utilities for resale. Such service shall be by special contract negotiated and recommended through the Utility and Infrastructure Board and approved by the City Council.
10. Temporary Service. Any electric service that is not of a permanent nature shall be classed as a temporary service and the cost of such installation and removal of such service shall be paid in advance by the applicant.
11. Standby Service. Standby Service shall be applicable to service supplied as an emergency service to a customer with some other principal source of electrical service or to a customer for a standby fire protection system. Such service shall be by special contract with rates and minimum charges to be based on the equipment and investment which is required to furnish such service.
12. Intersystem Service. Intersystem Service shall be applicable to service supplied to the Water System and the Sewerage Systems of the City.
13. Fuel Cost Adjustment. Fuel Cost Adjustment schedules shall be set by resolution of the City Council.

Connection charges for any or all classifications of service shall be set by resolution of the City Council.

When a line extension or revision or a transformer installation or change is made for a new service, part or all of the associated costs may be charged to the applicant as a direct charge and/or with special monthly or annual minimum charges.

§3-319 MUNICIPAL ELECTRIC SYSTEM; RATE CHANGES.

The City expressly reserves the right in all contracts with customers for furnishing electric service to so adjust, raise and change the rates therefor that the City will not be required to furnish such service below the cost thereof to the City. This reservation shall be a part of every customer's contract, whether expressly recited therein or not.

The rates to be charged by the City for electric service shall be at an equal rate for all consumers falling within the same classification as set forth in Section 3-318; provided, however, the City Council may create electrical rate schedules to enhance the utilization of the electric system which shall be uniform by customer classification.

§3-320 MUNICIPAL ELECTRIC SYSTEM; UTILITY BILLS.

Utility bills shall be due and payable monthly. It shall be the duty of each customer of the Department of Utilities to pay their bills by any of the payment methods recommended by the Utility and Infrastructure Board and approved by the City Council. Bills shall be due upon receipt. Bills not paid by the date due shall be deemed delinquent and assessed a delinquency charge. Upon being deemed delinquent, as herein defined, the Department of Utilities shall follow the procedures in Section 3-901 regarding the disconnection of utilities.

§3-322 MUNICIPAL ELECTRIC SYSTEM; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to remove, injure or destroy any wire, pole, machinery or any appliance in or about the City Electric System, or connected therewith, or to break any electric lamp.

§3-323 MUNICIPAL ELECTRIC SYSTEM; FLUORESCENT AND NEON LIGHTS.

It shall be unlawful for any person to connect any fluorescent lighting, neon signs or other lighting or display facilities having similar load characteristics to the Electric System of the City or to permit a connection already made to continue, unless such fluorescent lighting, neon signs or other lighting or display facilities having similar load characteristics are connected with capacitors or other auxiliaries of sufficient size to maintain a power factor of ninety percent (95%) or more lagging, whenever the above mentioned lighting, sign or display equipment is in operation.

§3-324 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS.

The Department of Utilities 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 an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the electric system lying within said easement. No permanent buildings, trees, retaining walls, nor loose rock walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights. The City may remove part or all of the above if necessary to perform its duties at the owner's expense. Variances to this section may be made by resolution of the City Council.

§3-325 and §3-326 are hereby repealed, and the Board of Public Works is dissolved.