

## Ordinance 167

### SEWER DEPARTMENT ORDINANCE

#### 51.01 SEWER DEPARTMENT; OPERATION AND FUNDING

The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the management and maintenance of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulation for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (Ref. 17-925.01 RS Neb.)

#### 51.02 SEWER DEPARTMENT; DEFINITIONS

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

1. Biological Oxygen Demand. This term shall mean and include the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in parts per million by weight.
2. Deemed Available. This term shall mean any sewer line which passes through the premises or through a street, alley, or easement adjacent to or abutting such premises.
3. Garbage. This term shall mean and include solid wastes from the preparation of cooking and dispensing food and produce.
4. pH. This term shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
5. Properly Shredded. This term shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one-half (½) inch in diameter.
6. Sanitary Sewer. This terms shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
7. Sewage. This term shall mean and include a combination of the water-carried wastes together with such ground, surface, and storm waters as may be present.
8. Sewer System. This term shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.
9. Storm Sewer. This term shall mean and include a sewer which carries surface drainage, but excludes sewage and polluted industrial wastes.
10. Suspended Solids. This term shall mean and include solids that either float on the surface of,

or are in immersion in water, sewage, or other liquids and are removable by filtering.

11. Trap. This term shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

### **51.03 SEWER DEPARTMENT; APPLICATION FOR PERMIT**

Any person prior to connecting to the sewer system shall make an application therefore to the Village Clerk. A Tapping Fee, set by resolution and on file in the office of the Village Clerk, shall accompany the application. The Village Clerk shall forward the application to the Utility Superintendent. Sewer service may not be supplied to any house or building except on written order of the Village Clerk. (Ref. 19-2701 RS Neb.)

### **51.04 SEWER DEPARTMENT; SEWER CONTRACT**

The rules, regulations, and sewer rental rates hereinafter named in this Ordinance, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of any sewer system by recent customers thereof shall constitute a contract between the customer and Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the Superintendent or his agent.

### **51.05 SEWER DEPARTMENT; MANDATORY HOOK-UP**

Upon written notice by the Governing Body the property owner, occupant, or lessee of any premise where the sanitary sewer is deemed available shall without delay cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its construction. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period to ten (10) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality, to make such connection, the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

#### **51.06 SEWER DEPARTMENT; DIRECT CONNECTIONS**

Each and every building must make a direct connection with main sewer line or to a "Y" attached by the Municipality to the main. Under no circumstances will two (2) or more houses be allowed to make such connections through one (1) pipe.

#### **51.07 SEWER DEPARTMENT; SERVICE CONTRACTS**

Contracts for sewer service are not transferable. Any person wishing to change from one (1) location to another shall make a new application and sign a new contract. If any customer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent 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 Utilities Superintendent is otherwise advised of such circumstances.

#### **51.08 SEWER DEPARTMENT; INSTALLATION PROCEDURE**

Upon approval of the customer's application, the customer shall be responsible for all installations of service from the Municipal Sewer main to the premises to be served.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require two (2) inspections by the Utilities Superintendent. The first (1<sup>st</sup>) inspection shall be made when connections or repairs are complete and before the pipes are covered. The second (2<sup>nd</sup>) inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the Utilities Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

#### **51.09 SEWER DEPARTMENT; INSTALLATION EXPENSE**

The customer shall pay all costs incurred to install sewer service from the Municipal main to the

premises served.

#### **51.10 SEWER SYSTEM; REPAIRS AND REPLACEMENT**

The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. (Ref. 14-3,103 RS Neb.)

All replacements and repairs made by the customer shall be done with PVC pipe or equal and in the manner specified by the Utilities Superintendent; provided, that the same have been approved by the Governing Body.

#### **51.11 SEWER DEPARTMENT; CLASSIFICATION**

The Governing Body may classify the customer of the Municipal Sewer Department for the purpose of setting sewer fees; provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Ref. 17-925.02 RS Neb.)

#### **51.12 SEWER DEPARTMENT; MINIMUM RATES**

Customers of the Municipal Sewer Department shall be charged a flat rate for the uses of sewer service. Rates shall be set by resolution and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 18-509 RS Neb.)

#### **51.13 SEWER DEPARTMENT; SEWER BILLS**

Sewer bills shall be due and payable monthly at the office of the Municipal Clerk. It shall be the duty of the customers of the Sewer Department to present themselves monthly at the office of the Municipal Clerk to pay their bills in net cash. The Utilities Superintendent shall direct the Municipal Clerk to charge and collect from each customer the amount due the Sewer Department. Bills shall be due and payable on the first (1<sup>st</sup>) day of each month. Bills not paid by the tenth (10<sup>th</sup>) day of each month shall be deemed to be delinquent. Procedures for

discontinuance of Municipal Utility service to domestic subscribers for non-payment of any due account are specified in 50.02.

#### **51.14 SEWER DEPARTMENT; UNLAWFUL USE**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted process waters into the sanitary sewer. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the Municipal Sewer System:

1. Liquids or vapors having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
2. Water or waste which may contain more than one hundred (100) parts per mill by weight of fat, oil, or grease.
3. Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.
4. Garbage that has not been properly shredded.
5. Sand, mud, metal, rags, paper, or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals, or fish, or create any hazard in the receiving area of the sewage treatment plant.
7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.
8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ref. 14-360 RS Neb.)

#### **51.15 SEWER DEPARTMENT; SPECIAL EQUIPMENT**

In the event a customer of the Municipal Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand, the Utilities Superintendent may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe subject to the review of the Governing Body. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Governing Body and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other charges. (Ref. 14-360 RS Neb.)

### **51.16 SEWER DEPARTMENT; LIEN**

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due, delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of sewer rent. It shall be the duty of the Municipal Clerk on the first (1<sup>st</sup>) day of June of each year to report to the Governing Body a list of all unpaid accounts due for sewer service together with a description of the premise served. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Ref. 17-925.01 RS Neb.)

### **51.17 SEWER DEPARTMENT; COMPLAINTS**

Any consumer feeling himself aggrieved by reason of any controversy with the Utilities Superintendent or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of the sewer, or for the resumption of sewer service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

### **51.18 SEWER DEPARTMENT; UNLAWFUL WASTE DISPOSAL**

Privies, cesspools, or septic tanks for the reception of sewage or waste from a drain from any building shall only be permitted or allowed when the Sewerage System is not available to the premise on which said privy, cesspool, or septic tank is located.

### **51.19 SEWER DEPARTMENT; OLD HOUSE SEWERS**

Old house sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the Utilities Superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, he shall notify the owner to make the necessary changes to conform with the provisions of the Municipal Code.

### **51.20 SEWER DEPARTMENT; MANHOLES**

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the Sewer System any substance which is not the usual and natural waste carried by the Sewer System.

#### **51.21 SEWER DEPARTMENT; INSPECTIONS**

The Chief Sewer Official or his authorized agents, shall have free access at any reasonable time to all parts of each premise and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this Ordinance therein.

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Kevin League, Chairman

Attest:

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Lorrinda Cheatham, Clerk