

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: UTILITIES IN GENERAL

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§ 50.01 UTILITIES DEPARTMENT.

(A) The Utilities Department is responsible for operation and maintenance of water, sewer and electric systems owned or operated by the city.

(B) The Utilities Superintendent, also designated as the Public Works Commissioner, is the head of the Department, and all personnel of the Department will report to and work under the supervision of the Utilities Superintendent.

(C) The Department includes all personnel employed in operation and maintenance of water, sewer and electric systems.

(D) The Utilities Superintendent shall be appointed and removed in the manner provided for by law for appointment and removal of a Public Works Commissioner.
(Prior Code, § 1-12-1) (Ord. 597, passed 3-10-1998)

§ 50.02 ASSIGNMENT OF UTILITIES SUPERINTENDENT.

(A) The Utilities Superintendent shall be appointed annually by the Mayor with the advice and consent of the Council.

(B) The Utilities Superintendent shall have general supervision of machinery, apparatus and equipment of the public utilities now owned and operated by the city or hereafter acquired, under the general direction and control of the Mayor and Council; shall perform duties as are provided in this code or by order of the Council, and may, at any time, for sufficient cause be removed by a two-thirds vote of the Council. The Utilities Superintendent shall perform the duties ex officio as Electrical Inspector, Plumbing Inspector and Sewer Inspector unless otherwise directed by the Mayor and Council.
(Prior Code, § 1-12-2) (Ord. 597, passed 3-10-1998)

§ 50.03 SPECIAL ENGINEER.

Whenever they deem it expedient, the Mayor and Council may employ a Special Engineer to make estimates of the cost of labor and materials which may be done or furnished by contract with the city, and make all surveys, estimates and calculations necessary to be made for the establishment of grades, buildings or culverts, sewers, bridges, curbing and gutters and the improvement of streets and the erection and repair of buildings. Before the Council shall make any contract for building bridges or sidewalks, or for any work on the streets, an estimate of the cost thereof shall be made by the Special Engineer and submitted to the Council; and no contract shall be entered into for any work or improvement for a price exceeding the estimate.

(Prior Code, § 1-12-3) (Ord. 597, passed 3-10-1998)

§ 50.04 STREET DEPARTMENT.

The City Engineer is hereby designated as the Street Superintendent. It shall be the duty of the Street Superintendent to supervise all repairs and work done on streets, bridges, sidewalks, crossings and crosswalks with the city. The Street Superintendent may request, through the City Administrator, the use of personnel from other departments of the city to perform routine maintenance.

(Prior Code, § 1-12-4) (Ord. 597, passed 3-10-1998)

CHAPTER 51: GARBAGE; COLLECTION

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- 51.01 Definitions
- 51.02 Disposal system; exclusive; exceptions
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- 51.04 Service rates
- 51.05 Disposal areas; ownership; entry; molestation; restriction
- 51.06 Drop-off boxes; use charges
- 51.07 Yard waste
- 51.08 Violations

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. All vegetable refuse from kitchens, all household waste from that which has been prepared for use as a food, or table refuse, or offal, and every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl and vegetables.

GARBAGE AND TRASH DISPOSAL SYSTEM. All processes relating to the systematical collection, transportation and disposal of garbage and trash within the city.

SERVICE. The service of a regular collection and hauling away of garbage and trash by and under the administration of the city.

TRASH. Wastepaper, scrap lumber, packing boxes, crates, paper or pasteboard boxes, cartons, excelsior, hay, straw, ashes and other combustible packing materials and refuse, broken glass, tin cans and containers and all other waste articles, substances and materials not included in the foregoing definition of “garbage”, except “yard waste” as defined in this section, automobile tires, lead-acid batteries, discarded household appliances and unregulated hazardous wastes other than household hazardous wastes which are exempt from the regulations under the Environmental Protection Act.

YARD WASTE. Vines, leaves and grass cuttings.
(Prior Code, § 8-3-1) (Ord. 534, passed 3-14-1995)

§ 51.02 DISPOSAL SYSTEM; ESTABLISHED; EXCLUSIVE; EXCEPTIONS.

(A) A municipal garbage and trash disposal system and service is hereby established. No person, other than employees, agents and representatives of the city, or independent contractors authorized by the city, shall collect, remove or transport any garbage or trash through or upon any street or alley within the city. The owner, tenant or lessee of any premises is not prohibited from gathering, collecting, transporting and disposing of garbage and trash accumulated upon the premises, in accordance with all applicable laws, rules and regulations now in effect or hereafter enacted or promulgated by competent authority, nor shall one engaged by the owner, tenant or lessee of any premises to trim trees, shrubbery, gardens or lawns be prohibited from disposing of the resultant accumulations of trash.

(B) The charges set forth in § 51.04 below shall be paid in respect of every occupied residential unit and every occupied institution, business or commercial establishment. Every residential unit or institution, business or commercial establishment will be considered occupied during any time that the occupant has electrical service, with the following exceptions:

(1) No charge will be made during construction or remodeling, although electrical service is furnished, if the occupant contracts with the contractor operating garbage collection service for the city to provide a drop-off box for the collection of construction debris and other solid waste, or otherwise shows, to the satisfaction of the City Clerk, that the contractor will lawfully dispose of all solid waste that accumulates during the construction period; and

(2) No charge will be made for garbage service where there is electrical service to a residence which has been unoccupied for two months if the owner notifies the City Clerk at the beginning of the period of non-occupancy that the residence will not be occupied for a period of time, giving the beginning and ending date of the non-occupancy.

(C) For purposes of assessing charges under this chapter, a single-family dwelling or a commercial establishment which has more than one electric meter shall only be assessed one charge for garbage collection service.

(Prior Code, § 8-3-2) (Ord. 532, passed 2-14-1995)

§ 51.03 COLLECTION; TIME; NOTICE; LOCATION OF CONTAINERS.

(A) The collection of garbage and trash from the various premises within the city and abutting the city shall be effected at times as may be designated by the City Clerk.

(B) The collection services shall be rendered once each week for residential units.

(C) For business and commercial establishments the frequency of collection shall be designated by the City Clerk depending on the volume of garbage and trash accumulated for collection. (Prior Code, § 8-3-3) (Ord. 569, passed 3-11-1997)

Garbage; Collection

§ 51.04 SERVICE RATES.

(A) The following rates for garbage collection service are hereby established:

Each one-family unit or apartment within the city limits	\$15.96 per month
Each one-family unit or apartment abutting the city limits	\$25.55 per month
Each commercial or business establishment within the city limits which has a weekly pickup shared with other commercial or business establishments (minimum charge)	\$18.82 per month
Each commercial or business establishment outside the city limits which has a weekly pickup	\$48.06 per month
Each commercial or business establishment which has a 1.5-yard container and 1 pickup per week	\$25.55 per month
Each commercial or business establishment which has a 3-yard container and 1 pickup per week	\$48.06 per month
Each commercial or business establishment which has a 1.5-yard container and 2 pickups per week	\$49.96 per month
Each commercial or business establishment which has a shared 3-yard container and 2 pickups per week	\$35.70 per month
Each commercial or business establishment which has a 3-yard container and 2 pickups per week	\$62.13 per month
Each large commercial or business establishment which has two 3-yard containers and 2 pickups per week	\$124.37 per month
Each large commercial or business establishment which has 3 or more containers and 2 pickups per week	\$124.37 per month, plus \$7.77 per week per container

(B) These rates include a charge of \$2.50 per month for residential users and small businesses with residential size lots for use of containers designated for disposal of leaves, grass, clippings and garden debris, which will be picked up once per week.

(C) Business or commercial establishments that have lawns or grassed areas larger than residential lots will be charged an additional \$5 per month for use of containers designated for disposal of leaves, grass clippings and garden debris, which will be picked up once per week. This charge is in addition to the rates set forth above.

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(D) Tree limbs which are cut in lengths of more than four feet will be the responsibility of the resident to dispose of.

(E) The foregoing charges will be payable at the office of the City Clerk in advance on or before the tenth day of each month. These rates shall go into effect January 2015.

(F) All refuse of any nature except leaves, grass clippings and garden debris shall be placed in the containers labeled for garbage and trash. Any refuse which is not in a container will be the responsibility of the resident to dispose of. Leaves, grass clippings and garden debris shall only be placed in the containers labeled for leaves, grass clippings and garden debris.

(Prior Code, § 8-3-4) (Ord. 640, passed 12-11-2001; Ord. 715, passed 9-15-2009; Ord. 734, passed 10-12-2010; Ord. 749, passed 2-11-2013; Ord. 760, passed 10-14-2014) Penalty, see § 10.99

§ 51.05 DISPOSAL AREAS; OWNERSHIP; ENTRY; MOLESTATION; RESTRICTION.

All garbage and trash disposal areas owned or under the control of the city, together with all matter whatsoever deposited or existing thereupon, shall be the property of the city. No person shall enter upon those areas, or carry off, dispose of or in any manner disturb or molest any matter or thing deposited or existing in or upon those areas, except under direction and authority of the attendant placed in charge thereof by the Mayor and City Council.

(Prior Code, § 8-3-5) (Ord. 270, passed 7-1-1975) Penalty, see § 10.99

§ 51.06 DROP-OFF BOXES; USE CHARGES.

(A) *Drop-off boxes; use charges.*

(1) The city will cause to be provided, at a convenient location in the city, drop-off boxes for the disposal of tires, appliances, furniture and other refuse.

(2) Any person who disposes of that material at a drop-off box furnished by the city shall pay to the city the following charges per item or load:

Regular appliances	\$10
Furniture	\$5
Tires up to 16 inches in diameter	\$2
Tires 16 inches in diameter up to small truck size	\$4
Large truck and tractor tires	\$10
One-ton or two-ton truckload	\$50
Pickup load	\$20

(B) *Unlawful acts.* It shall be unlawful for any person to place plastic ditch or concrete in any drop-off box.

(Prior Code, § 8-3-6) (Ord. 609, passed 8-18-1999) Penalty, see § 10.99

§ 51.07 YARD WASTE.

A drop-off box plainly labeled as being only for the deposit of yard waste will be provided by the city at a convenient location for the deposit of yard waste. No charge will be made for the use of the yard waste drop-off box by persons who reside within the city limits.

(Prior Code, § 8-3-7) (Ord. 534, passed 3-14-1995)

§ 51.08 VIOLATIONS.

It shall be unlawful to place leaves, grass clippings and garden debris in containers designated for the deposit of garbage and trash, and it shall be unlawful to place any refuse other than leaves, grass clippings, and garden debris in any container designated for the deposit of leaves, grass clippings and garden debris, and it shall be unlawful to place any material in a drop-off box other than the material for which the drop-off box is labeled.

(Prior Code, § 8-3-8) Penalty, see § 10.99

CHAPTER 52: WATER SYSTEM; DEPARTMENT

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- 52.04 Turning water on
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- 52.07 Water rates
- 52.08 Reading meters
- 52.09 Discontinuance of service; notice procedure
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- 52.16 Water conservation; drought and emergency contingency plan
- 52.17 Wellhead protection area

§ 52.01 CONSUMER'S CONTRACT.

The rules and regulations hereinafter named shall be considered a part of the contract with every person who is supplied with water through the waterworks of this city, and every person, by taking water shall be considered and held to be bound thereby.

(Prior Code, § 3-3-1) (Ord. 314, passed 9-12-1977)

§ 52.02 WATER SYSTEM PROPERTY OF CITY.

All mains, laterals, pipes, hydrants and fixtures now laid, constructed or installed, or hereafter to be laid, constructed or installed, in, under, across or through the streets, avenues or alleys of the city, or adjacent territory, for supplying water to the city and the inhabitants thereof, are hereby

declared to be the property of the city, under the control thereof and subject to the provisions of this chapter.

(Prior Code, § 3-3-2) (Ord. 314, passed 9-12-1977)

§ 52.03 UTILITIES SUPERINTENDENT; DUTIES.

(A) The Utilities Superintendent shall be the Public Works Commissioner and have general supervision over the waterworks of the city, and appurtenances thereto, under the direction of the Mayor and Council.

(B) The Utilities Superintendent shall attend to the tapping of mains and laying and connecting laterals and installation of meters and meter boxes, and shall see that all open ditches and excavations on or along the streets, alleys and thoroughfares of the city are carefully guarded by rails and lights or the proper warning signals.

(C) He or she shall have charge of and operate the pumping stations and reservoirs and shall keep the mains of the system filled with pure and wholesome water at a pressure sufficient for proper fire protection.

(D) The Utilities Superintendent shall also keep an inventory of all property belonging to the Water Department and shall, with the consent of the Mayor and Council, purchase supplies and equipment necessary for the maintenance of the system.

(E) He or she shall, upon request, attend meetings of the Council and render reports and statements as may be required.

(F) He or she shall perform other duties as may be required of him or her by law or order of the Mayor and Council, and to the end that the provisions of this section may be carried out, he or she shall be allowed assistance as the Mayor and Council may deem necessary and proper.

(Prior Code, § 3-3-3)

§ 52.04 TURNING WATER ON.

No water from the city water supply shall be turned on for services into any premises by any person other than the Utilities Superintendent or some person authorized by him or her to perform this service.

(Prior Code, § 3-3-4)

§ 52.05 PLUMBING TO MEET SPECIFICATIONS.

No water shall be turned on for service in premises in which the plumbing does not comply with the specifications of the city; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.

(Prior Code, § 3-3-5) (Ord. 314, passed 9-12-1977)

Statutory reference:

Similar provisions, see Neb. RS 17-541

§ 52.06 METERS; MANDATORY CONNECTIONS; MAINTENANCE.

(A) All real property with structures located within the city shall be linked to and connected to the city municipal water system. This applies to all residential, commercial, industrial and non-commercial structures that have water service.

(B) All premises using city water must be equipped with an adequate water meter which will be furnished by the city. Consumer shall pay the cost of installation and purchase of the water meter on any new construction or new water service. Meters installed on existing services shall be paid by the city. All meters shall be installed under the direction of the Utilities Superintendent and subject to his or her approval. Utilities Department representatives shall have access to any building at reasonable hours for the purpose of inspection, installation and maintenance of water meters.

(C) The city shall be responsible for maintenance and repairs of any portion of the service line from the main to the meter or the property line whichever is shortest. The property owner shall be responsible for repairs and maintenance of the remainder of the service line.

(D) In the event a consumer fails or refuses to grant access to any building or structure for installation, repairs or maintenance of a water meter, service to that residence or building shall be terminated upon ten days written notice to the consumer.

(Prior Code, § 3-3-6) (Ord. 707, passed 2-10-2009; Ord. 768, passed 12-22-2014)

§ 52.07 WATER RATES.

(A) The following rates and charges are hereby established for customers of the city waterworks system:

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<i>Rate</i>	<i>\$1.25 per 1,000 gallons</i>
<i>*Minimum monthly bill shall be at least the following amount depending upon meter size:</i>	
<i>Meter Size</i>	<i>Charge</i>
5/8-inch or 3/4-inch	\$25 per mo.
1-inch or 1-1/2-inch	\$28 per mo.
2-inch	\$46 per mo.
3-inch or 4-inch	\$75 per mo.

(B) These rates shall become effective with the January 1, 2015 billing.
 (Prior Code, § 3-3-7) (Ord. 697, passed 8-28-2007; Ord. 713, passed 9-8-2009; Ord. 735, passed 10-11-2011; Ord. 752, passed 9-10-2013; Ord. 761, passed 10-14-2014; Ord. 770, passed 1-13-2015)

§ 52.08 READING METERS.

The Utilities Superintendent shall read or cause to be read every water meter used in the city at times as are necessary so that the bills may be sent out at the proper time. Any city water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee to be established by resolution of the City Council. If upon test the meter is not within 3% of being accurate, it shall be repaired or replaced and the fee shall be returned to the consumer.
 (Prior Code, § 3-3-8) (Ord. 720, passed 9-8-2009)

§ 52.09 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC SUBSCRIBER. Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature.
 (Neb. RS 70-1602)

(B) No public or private utility company, including any utility owned and operated by the city, furnishing water, natural gas, or electricity at retail in this city shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility company first gives notice by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least 7 days after notice is sent or given. Holidays and weekends shall be excluded from the 7 days. As to any subscriber who has previously been identified as a welfare recipient to the

company by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the department.

(Neb. RS 70-1605)

(C) The notice required by division (A) shall contain the following information:

(1) The reason for the proposed disconnection;

(2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;

(3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

(4) The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address an inquiry or complaint;

(5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

(6) A statement that the utility may not disconnect service pending the conclusion of the conference;

(7) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section and will prevent the disconnection of the utility's service for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this division for each incidence of nonpayment of any past-due account;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

(10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(11) Any additional information not inconsistent with this section which has received prior approval from the City Council, in the case of a city utility.

(Neb. RS 70-1606)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

(Neb. RS 70-1607)

(E) The provisions of Neb. RS 70-1608 through 70-1614 shall apply to disputes over a proposed discontinuance of service.

(F) The procedures adopted for resolving utility bills by the City Council for any city utility, one copy of which is on file in the office of the City Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

(G) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. RS 70-1615)

§ 52.10 LIEN FOR DELINQUENT WATER CHARGES.

(A) Charges for water shall be a lien upon the premises as provided by statute. Whenever a bill for water service remains unpaid 60 days after it has been rendered, the Clerk may file with the County Clerk a statement of lien claim.

(B) The statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges for water service served subsequent to the period covered by the bill. If the consumer of water whose bill is unpaid is not the owner of the premises and the Clerk has notice of this, then notice shall be mailed to the owner of the premises, if his or her address is known to the Clerk, whenever the bill remains unpaid for a period of 60 days after it has been rendered.

(C) The failure of the Clerk to record the lien claim or to mail the notice or the failure of the owner to receive the notice shall not affect the right to foreclose the lien for unpaid water bills.

(Prior Code, § 3-3-10) (Ord. 463, passed 11-12-1991)

Statutory reference:

Similar provisions, see Neb. RS 17-531 through 17-546

§ 52.11 SERVICE DEPOSIT REQUIRED.

(A) Every regular consumer of water and electricity or either of them shall make a deposit with the City Clerk as established by resolution of the City Council. The Clerk shall issue a receipt for the service deposit.

(B) If for any reason neither water service nor electric services are required any longer by the consumer, the service deposit, upon demand, be returned to the consumer with proper deductions for any arrearages due for water and/or electric charges.

(C) For any consumer who is not a regular consumer of the City Water or Electric Department, the utilities for the Fire Department Superintendent may, in his or her discretion, collect in advance the amount estimated for water and/or electric charges to be furnished to the consumer.
(Prior Code, § 3-3-11) (Ord. 555, passed 3-12-1996; Ord. 720, passed 9-8-2009)

§ 52.12 ADDITIONAL DEPOSIT REQUIRED AFTER DEFAULT.

(A) For any consumer who has previously defaulted in the payment of either water or electrical charges to the city and for whom the deposit has not at that time paid the arrearages in full, an additional deposit as established by resolution of the City Council shall be required.

(B) For any consumer who has twice previously defaulted in the payment of water or electrical charges to the city and for whom the deposit has not at that time paid the arrearages in full, an additional deposit as established by resolution of the City Council shall be required in addition to that required by § 52.11 above.
(Prior Code, § 3-3-12) (Ord. 555, passed 3-12-1996; Ord. 720, passed 9-8-2009)

§ 52.13 RECONNECTION FEE AFTER DEFAULT.

(A) Every regular consumer of water or electricity who shall for nonpayment or otherwise have their water or electric service terminated by the city shall pay to the City Clerk a reconnect fee established by resolution of the City Council which shall be nonrefundable as a condition for reconnection of service and shall pay, in addition, any delinquent electric service charges or water service charges for any premises for which the customer responsible for nonpayment of water or electric service charges before either water or electric service will be reconnected to any premises. If the customer requests that service be restored after 4:00 p.m. or on Saturday or Sunday, the nonrefundable reconnection fee as established by resolution of the City Council. The Clerk shall issue a receipt for any like fees paid.

(B) Neither water or electric service shall be restored to any property or premises on which there are unpaid delinquent charges for either water or electric service. Payment of water or electric charges with a bank check which is later dishonored or on which payment is refused by the bank will be considered nonpayment. After receipt of notice that a check from a consumer has been dishonored or that payment has been refused by the bank, the Clerk will accept only cash, money orders, cashier's checks or certified checks from that consumer until water and electric charges have been timely paid for a period of one year.

(C) Charges for water or electric service shall be a lien upon the premises as provided by statute whenever a bill for water or electric service remains unpaid 60 days after it has been rendered, the Clerk may file with the County Clerk a statement of lien claim. The statement shall contain the legal description of the premises served, the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges for water or electric service served subsequent to a period covered by the bill. If the consumer of water or electricity whose bill is unpaid is not the owner of the premises and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever the bill remains unpaid for a period of 60 days after it has been rendered.

(D) The failure of the Clerk to record the lien claim or to mail the notice or the failure of the owner to receive the notice shall not affect the right to foreclose the lien for unpaid water or electric bills.

(Prior Code, § 3-3-13) (Ord. 555, passed 3-12-1996; Ord. 720, passed 9-8-2009)

§ 52.14 WATER DEPARTMENT; UNSAFE CONNECTION TO WATER DISTRIBUTION SYSTEM; PROHIBITION; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT.

(A) No customer or other person shall cause, allow or create any physical connection between the municipal water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the municipal water distribution system.

(B) At least one time every five years, customers of the municipal water distribution and supply system shall be required to assess and report potential backflow and backsiphonage hazards to the municipality on a form supplied by the municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Utilities Superintendent.

(C) The Municipal Water Department will make available backflow prevention devices for purchase by consumers at cost.

(Prior Code, § 3-3-14) (Ord. 503, passed 12-14-1993) Penalty, see § 10.99

§ 52.15 WATER SUPPLY; PROHIBITING ENCROACHMENT; ESTABLISHING HORIZONTAL DISTANCE IN FEET SEPARATING WELLS AND SPRINGS FROM POTENTIAL CONTAMINATION.

(A) Every well infiltration line or spring serving or intended to provide water for a public water supply system insofar as possible should be located, constructed or modified in such a manner that neither underground or surface contamination by any biological, chemical or radioactive substance or by the physical property of any substance from any cesspool, privy, septic tank, subsurface tile system, sewer, drain, pit belowground surface, abandoned well, animal or avian wastes or any other possible source of pollution can adversely affect the water supply.

(B) The minimum recommended horizontal distance in feet separating the well or spring from potential sources of contamination should be as described below.

(C) The minimum recommended horizontal distance in feet separating wells and springs from potential contamination:

<i>Category</i>	<i>Feet</i>
Water well	1,000
Sewage lagoon	1,000
Land application of municipal/industrial waste material	1,000
Feedlot or feedlot runoff	1,000
Underground disposal system (septic system, cesspool, etc.	500
Corral	500
Pit toilet/vault toilet	500
Wastewater holding tanks	500
Sanitary landfill/dump	500
Chemical or petroleum product storage	500
Sewage treatment plant	500
Sewage wet well	500
Sanitary sewer connection	100
Sanitary sewer manhole	100
Sanitary sewer line	50

(D) The reference for these distances is Title 179, Chapter 7, Attachment 2. These distances shall be kept current with the above mentioned Title 179.

(E) When surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from the supplies, the distance separating these potential sources of contamination and the well or spring should be greater than that listed in the above schedule.

(F) This section shall not affect existing nonconforming uses.
 (Prior Code, § 3-3-15) (Ord. 639, passed 10-9-2001; Ord. 731, passed 8-10-2010)

§ 52.16 WATER CONSERVATION; DROUGHT AND EMERGENCY CONTINGENCY PLAN.*(A) Purpose.*

(1) The purpose of this section is to adopt a plan for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

(2) The plan shall be named the city water conservation, drought and emergency contingency plan.

(B) Classes of water uses established. The following classes of water use are hereby established for users of water on the city water system.

(1) Class 1: Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers or the exterior of any building or structure.

(2) Class 2: Water used for any commercial or industrial, including agricultural purpose; except water actually necessary to maintain the health and personal hygiene of bona fide employees while the employees are engaged in the performance of their duties at their place of employment.

(3) Class 3: Domestic usage, other than that which could be included in either class 1 or 2.

(4) Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(C) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER. The customer of record using water for any purpose from the city distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

DRAWDOWN. The distance between the static water level and the pumping water level.

PLAN. The city water conservation, drought and emergency contingency plan.

PUMPING WATER LEVEL. The level of water in a well when the pump is pumping.

STATIC WATER LEVEL. The level of water in a well when the pump is not pumping.

TRIGGERS. Significant events which indicate the implementation of the different stages of this plan.

WASTE OF WATER. Includes, but is not limited to:

- (a) Permitting water to escape down a gutter, ditch or other surface drain;
- (b) Failure to repair a controllable leak of water due to defective plumbing; or
- (c) As determined by the water system operator.

WATER. Water available to the city by virtue of its water rights introduced by the city into its water distribution system, including water offered for sale at any coin operated site.

WATER SYSTEM CAPACITY. For the purposes of this plan, is determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The water system operator shall determine the **WATER SYSTEM CAPACITY** on a weekly (or daily) basis from the months of May through October.

WATER SYSTEM DEMAND. Master water meters on each well must be read daily. Daily consumption is calculated by subtracting the previous day's reading from the current day and added together for each well. **WATER SYSTEM DEMAND** is determined by dividing the daily consumption by the same population number used in determining the water system capacity. This value is expressed in gallons per capita per day (gpcd).

(D) *Water plan established.* In order to assure the continued supply of safe drinking water to citizens of the city, the Board of Trustees adopts the following plan addressing conservation, drought and emergency contingencies. The plan is based upon demand on the system and implements a series of stages depending upon the severity of the demand.

(1) Stage 1: Water Watch:

(a) *Triggers.* This stage is triggered by any one of the following conditions:

1. When the calculated water system demand equals 50% of the calculated water system capacity; or
2. When the drawdown of the well is more than normal for that time of year as determined by the water operation.

(b) *Goals.* The goals of this stage are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

(c) *Education action.*

1. The city will make occasional news releases to the local media, as well as posting in prominent locations, describing present conditions and indicating the regulatory action.

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2. The triggers necessitating the stage 1: water watch will also be made available to the public along with the explanation of terms.

(d) *Management action.*

1. The city will ascertain that each well is operating at peak efficiency.
2. Leaks detected will be repaired within 48 hours.
3. The city will curtail its use of class 1 uses.

(e) *Regulation action.* The public will be asked to voluntarily curtail the use of water as defined in class 1.

(f) *Declaration of a water watch.* Whenever the governing body of the city finds that conditions exist as described in the plan under stage 1: water watch, triggers, it shall be empowered to declare, by resolution, that a stage 1: water watch exists and implement the steps outlined under this section. The resolution declaring the existence and end of a stage 1: water watch shall be effective upon posting in three prominent places throughout the community.

(2) Stage 2: Water Warning:

(a) *Triggers.* This stage is triggered by any one of the following conditions:

1. When the calculated water system demand equals 70% of the calculated water system capacity; or
2. When the drawdown of the wells increases significantly over and above the level determined in stage 1: water watch.

(b) *Goals.* The goal of this stage is to reduce overall weekly consumption by 15%.

(c) *Education action.*

1. The city will make weekly news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.
2. The triggers necessitating the stage 2: water warning will also be made available to the public along with an explanation of terms.
3. Water conservation articles will be provided to the local newspaper and posted.

(d) *Management action.*

1. The city will continue to monitor water supplies on a daily basis.

2. Leaks will be repaired within 24 hours.
3. The city will terminate its usage of water classified in class 1 and class 2.

(e) *Regulation action.* Water classified as class 1 and class 2 will be terminated except as follows:

1. An odd/even lawn watering system will be imposed on city residents. Residents with odd numbered addresses will water on odd days, even addresses will water on even days;
2. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m.; and
3. Refilling of swimming pools will be allowed on Saturday each week only after sunset. Waste of water is strictly prohibited.

(f) *Declaration of a water warning.* Whenever the governing body of the city finds that conditions exist as described in the plan under stage 2: water warning, triggers, it shall be empowered to declare, by resolution, that a stage 2: water warning exists and implement the steps outlined under this section. The resolution declaring the existence and end of a stage 2: water warning shall be effective upon posting in three prominent places throughout the community.

(3) Stage 3: Water Emergency:

(a) *Triggers.* This stage is triggered by any one of the following conditions:

1. When the calculated water system demand equals 85% of the calculated water system capacity; and
2. When the drawdown of the wells increases significantly over and above the level determined in stage 2: water warning.

(b) *Goals.* The goals of this stage are to reduce the overall weekly consumption by 25% and maintain the integrity of the system.

(c) *Education action.*

1. The city will make weekly news releases to the local media and by posting, describing present conditions and projecting the outlook for the coming week.
2. The triggers necessitating the stage 3: water emergency will also be made available to the public along with an explanation of terms.

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3. Water conservation articles will be provided to the local newspaper and posted.

4. The city will conduct public meetings to discuss the emergency, the status of the city water supply and further actions which may need to be taken.

(d) *Management action.*

1. The city water supplies will be monitored daily.

2. Leaks will be repaired within 24 hours.

3. The city will seek additional emergency supplies from other users, the state or federal government.

4. The City Engineer will be consulted for possible alternatives.

5. The city will notify the Morrill County emergency management agency and advise them of the status of the system.

(e) *Regulation action.*

1. Uses of water in classes 1, 2 and 3 is prohibited.

2. Waste of water will be prohibited.

(f) *Declaration of a water emergency.* Whenever the governing body of the city finds that conditions exist as described in this plan under stage 3: water emergency, triggers, it shall be empowered to declare, by resolution, that a stage 3: water emergency exists and implement the steps outlined under this plan. The resolution declaring the existence and end of a stage 3: water emergency shall be effective upon posting in three prominent places throughout the community. In the event of a system failure, the Mayor or the Water Commissioner shall have the authority to declare a stage 3: water emergency.

(E) *Administrative enforcement provisions.*

(1) *Warning.* The Mayor, the Water Commissioner or his or her agent can issue a written warning to any consumer violating stage 2: water warning and stage 3: water emergency. The warning shall advise the consumer that a second violation at the same premises within a six-month period shall result in the issuance of an administrative notice of violation for which a penalty of doubling the water rate to the premises shall be imposed for six months. The City Clerk shall weekly post the names of the consumers issued a written warning during the previous week. The names of the consumers given a warning shall be posted in the same location as the declaration.

(2) *Administrative notice of violation.* The Mayor or the Water Commissioner or his or her agent shall issue a written administrative notice of violation to any consumer violating stage 2: water warning or stage.

(3) *Water emergency for a second time.*

(a) The notice shall advise the consumer that his or her water rate to the premises shall be doubled for the next six months and that a subsequent violation at the same premises within a six-month period shall result in the immediate termination of all water service to the premises.

(b) The consumer shall further be notified that they have a right to appeal the issuance of the administrative notice of violation by filing a notice of appeal with the City Clerk within ten days of the issuance of the notice.

(c) The appeal shall be heard at the next regular or special meeting of the Mayor and Council members. The action shall be final if no appeal is filed within the ten-day period.

(4) *Notice of termination of service.*

(a) The Mayor or the Water Commissioner or his or her agent shall issue a written notice of termination of service to any consumer violating stage 2: water warning and stage 3: water emergency for a third time.

(b) The notice shall advise the consumer that all water service to the premises in violation shall be discontinued, beginning not less than 48 hours after the notice and not more than 72 hours after the notice, unless a further violation is found to have occurred, at which time termination shall be immediate for the protection of the municipal water system.

(c) The consumer may appeal the decision by filing a notice of appeal with the City Clerk within the 48-hour period after notice of termination of service is given.

(d) The appeal shall stay the action of termination until a special meeting of the Mayor and Council members shall be called unless the Mayor determines that a further violation has occurred, at which time termination shall be immediate for the protection of the municipal water system.

(e) If service is terminated, then service may be reconnected only upon the filing of a new water application with the City Clerk and the payment of the reconnection fee.

(f) Additionally, the applicant must file a written statement advising that they are aware that a water warning or water emergency is in effect and that a subsequent violation of its provisions will result in the termination of water service for a period of not less than 30 days unless the termination would pose a health hazard to the occupants of the premises as determined by the Mayor and Council members.

(g) The Water Commissioner or his or her agent shall cause the termination of water service of the violating consumer as provided above or directed by the Mayor and Council members.

(F) *Emergency termination.* Nothing in this section shall limit the ability of the Mayor or Water Commissioner from terminating the supply of water to any or all customers upon the determination of the officials that emergency termination of water service is required to protect the health and safety of the public.

(Prior Code, § 3-3-16) (Ord. 653, passed 2-11-2003)

§ 52.17 WELLHEAD PROTECTION AREA.

(A) *Definition.* For purposes of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

WELLHEAD PROTECTION AREA. The surface and subsurface area surrounding a public water supply well or wellfield, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

(B) *Designation.* The City Council designates a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are presented to the city by the Nebraska Department of Environmental Quality in 2014. The revised maps on file with the City Clerk shall define the wellhead protection area. Those maps are incorporated by reference as if fully set forth herein.

(Prior Code, § 3-3-17) (Ord. 678, passed 4-12-2005; Ord. 759, passed 6-10-2014)

CHAPTER 53: PLUMBING; SEWERAGE

Section

- 53.01 Adoption of International Building Code
- 53.02 Adoption of One and Two Family Building Code
- 53.03 Adoption of Solar Code
- 53.04 Plumbers' license required
- 53.05 Supervision
- 53.06 Sewer Inspector
- 53.07 Sewer license required
- 53.08 Unauthorized use of license
- 53.09 Permit
- 53.10 Connection fees
- 53.11 Additional rules
- 53.12 Connection required
- 53.13 Sewer charges

§ 53.01 ADOPTION OF INTERNATIONAL BUILDING CODE.

There is hereby adopted the International Building Code, being the 2003 edition thereof, and any amendments made therein from time to time.

(B) One copy of the code and any amendments made therein from time to time shall be kept on file in the office of the City Clerk and the code is hereby adopted and incorporated in this section by reference as fully as if set at length herein.

(Prior Code, § 4-4-1)

§ 53.02 ADOPTION OF ONE AND TWO FAMILY BUILDING CODE.

(A) There is hereby adopted the One and Two family Building Code, being the 2003 edition thereof, and any amendments made therein from time to time.

(B) One copy of the code and any amendments made therein from time to time shall be kept on file in the office of the City Clerk, and the code is hereby adopted and incorporated in this section by reference as fully as if set at length herein.

(Prior Code, § 4-4-2)

Statutory reference:

State provisions, see Neb. RS 18-132 and 19-922

§ 53.03 ADOPTION OF SOLAR CODE.

(A) There is hereby adopted for the purpose of establishing rules and regulations for the complete erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any solar system, hereinafter referred to as “solar energy system”, that certain solar energy code known as the Uniform Solar Energy Code, published and recommended by the International Association of Plumbing and Mechanical Officials, being the 1991 edition thereof, and any amendments made therein, from time to time, and hereafter referred to as the “Solar Energy Code”.

(B) One copy of the code and any amendments made therein from time to time shall be kept on file in the office of the City Clerk, and the code is hereby adopted and incorporated in this section by reference as fully as if set at length herein.

(Prior Code, § 4-4-3)

Statutory reference:

State provisions, see Neb. RS 18-132 and 19-922

§ 53.04 PLUMBER’S LICENSE REQUIRED.

(A) *Plumber’s license.* It shall be unlawful for any person to engage in the plumbing and mechanical plumbing business, including plumbing and other sanitary conveniences, installation and maintenance and repair of heating, ventilating, cooling and refrigeration systems plumbing, and the erection, installation, alteration, addition, repair, relocation, replacement or maintenance of any solar system, without first having secured from the Clerk a plumber’s license. This section shall not be construed to prohibit a person from doing plumbing or mechanical plumbing, either new or repair work in or upon his or her own property; provided the work passes inspection by the Utilities Superintendent.

(B) *Issuance; fee.* Upon the approval and acceptance of the bond, and the payment of a fee in an amount set by Council resolution, the Clerk shall issue to the applicant a plumber’s license in proper form to engage in the business of plumbing for the period stated upon the license. All plumber’s licenses shall be issued for a period of not more than one year, dating from January 1 to December 31 of the year in which they are issued, and no license shall be issued for less than one year; provided that any license which shall be issued during the calendar year shall expire on December 31, following the date of issuance thereof.

(Prior Code, § 4-4-4) (Ord. 240, passed 4-3-1973) Penalty, see § 10.99

§ 53.05 SUPERVISION.

The construction, repair and maintenance of all sewers and drains, whether public or private, shall be under the supervision and control of the Engineer.
(Prior Code, § 4-4-5) (Ord. 51A, passed 8-14-1919)

§ 53.06 SEWER INSPECTOR.

(A) *Inspectors.* The Mayor and Council shall have the power to appoint one or more inspectors to whom they may delegate any or all power essential to the proper supervision and enforcement of the provisions of this chapter.

(B) *Authority.* It shall be the duty of the Engineer to have immediate charge of the sewerage system of the city and operate the same. He or she shall inspect the laying of all private drains and shall have charge of and control of the making of all house connections with the system.
(Prior Code, § 4-4-6) (Ord. 51A, passed 8-14-1919)

§ 53.07 SEWER LICENSE REQUIRED.

(A) No person shall engage in or conduct the business of sewer connections and house draining, excavate any trenches for sewer pipe, or open, uncover or in any manner make connection with, or lay any sewer or drain, or attach to, modify or repair any appurtenances to sewer connections in the streets, or alleys or other grounds of the city or with any private sewer or drain in the city without holding proper license for the work from the Council, and without written permit from the Engineer or his or her authorized assistant, excepting only persons operating under special contract with the city for the work.

(B) The license shall be obtained by presenting an application, endorsed by the Engineer, to the Council, and no person shall receive the license who shall not first have furnished the Engineer satisfactory evidences of his or her responsibility and qualifications to ply his or her trade in accordance with the requirements of this chapter and the Engineer's rules for the conduct of the work.
(Prior Code, § 4-4-7) (Ord. 51A, passed 8-14-1919) Penalty, see § 10.99

§ 53.08 UNAUTHORIZED USE OF LICENSE.

No person engaged in the business of sewer connecting and drain laying shall allow his or her name to be used by any other person, directly or indirectly, either to obtain a permit or to do any work under his or her license or bond.
(Prior Code, § 4-4-8) (Ord. 51A, passed 8-14-1919)

§ 53.09 PERMIT.*(A) Application.*

(1) Applications for permits must be made in writing upon the proper blanks for that purpose, and signed by the owner or his or her authorized agent, and when it is required an application shall be accompanied by a plan showing the course of the drain which is to be constructed, size of the same, location of all branches, depth of drain below the floor of the building and other information as may be required by the Engineer for the proper direction of the work.

(2) If the drain is to be connected with a sewer built by private parties, or to pass through property not owned by the applicant the written consent of the owner must be procured and filed with the application before the permit is issued.

(B) Permit required. Before commencing the construction, modification or repair of any sewer, drain or cesspool, the drain layer shall first obtain a written permit from the Engineer, and shall have the permit upon the grounds at all times during the progress of the work and must show the permit to any officer in authority on demand.

(C) Restrictions on issuance. No permit shall be issued to anyone but a licensed drain layer who has paid the required license and given bond under the provisions of this chapter for licensing drain layers, that he or she will comply in all respects with the regulations and instructions of the Engineer pertaining to the work and be responsible for the faithful execution of all the work by his or her employees.

(Prior Code, § 4-4-9) (Ord. 51A, passed 8-14-1919)

§ 53.10 CONNECTION FEES.

For each connection made a fee to be established by resolution of the City Council shall be paid to the city by the applicant, to cover the expense of issuing a permit and supervising the construction of the connection, and the construction of the drain.

(Prior Code, § 4-4-10) (Ord. 51A, passed 8-14-1919; Ord. 720, passed 9-8-2009)

§ 53.11 ADDITIONAL RULES.

The Engineer may adopt further rules as he or she may deem necessary to provide for the proper inspection of the work, and no work shall be covered until it has been approved by the Inspector who will endorse a certificate of final inspection upon the permit issued for that particular work or connection.

(Prior Code, § 4-4-11) (Ord. 51A, passed 8-14-1919)

§ 53.12 CONNECTION REQUIRED.

(A) All private property within the city located upon any street or alley through which, opposite or abutting the property runs, or hereafter shall run any main or lateral sanitary sewer shall be equipped with a proper connection with the main or lateral sewer, for the disposal of all sewage, offal, filth, swill, slop or other refuse.

(1) It shall be the duty of the owner of any private property, so situated as aforesaid, upon ten days' notice, as hereinafter provided, to make or cause to be made and to maintain and repair proper connection with the sewer main or lateral, and to install or cause to be installed proper sewer pipe connections to convey the refuse into the main or lateral.

(2) If the owner of any property shall fail or neglect for ten days after the service of the notice, to comply with this regulation, to make the connections, to install drainage pipes or to make any repairs which may be necessary therein, then and in that case, the Mayor and Council shall cause the same to be done, and assess the cost thereof against the property as a special assessment, the same to be collected as other special assessments and special taxes, as provided by law.

(3) The notice hereinbefore referred to shall be in writing and shall be served by the Clerk, under direction from the Mayor and Council, upon the owner of any property, either by personal service, or by publication in some newspaper published in and of general circulation in the city.

(4) The notice shall describe the real estate required to be connected with the sewer and shall notify the owner that he or she is required to make the connection or to make repairs to existing connections within ten days after the service or publication thereof, and that if he or she fails to comply with the notice the Mayor and Council will cause the connection or repairs to be made and assess the costs thereof against the property; provided, if the notice be made by publication, the same shall be published one time in a daily, weekly or other legal newspaper for a period of ten days preceding the day when the city undertakes to make the connections or repairs pursuant to the provisions of this section.

(B) (1) Any properties within the boundaries of Sanitary Sewer District No. 7 which were connected to the city's sanitary sewer system on or prior to December 1, 1995, but which were not assessed for sanitary sewer benefits in Sanitary Sewer District No. 7 by Ord. 548 will not be charged a connection fee to connect to the sanitary sewer system in the future.

(2) Any properties within the boundaries of Sanitary Sewer District No. 7 which were not assessed for sanitary sewer benefits by Ord. 548 which were not connected to the city sanitary sewer system on or before December 1, 1995 shall upon being connected to the city sanitary sewer system pay a connection fee to be established by resolution of the City Council per running foot of the premises abutting the alley or easement in which the sewer is located.

(Prior Code, § 4-4-12) (Ord. 143, passed 10-3-1950; Ord. 553, passed 1-9-1996; Ord. 720, passed 9-8-2009)

§ 53.13 SEWER CHARGES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPERATION AND MAINTENANCE. All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which the works were designed and constructed.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which the works were designed and constructed. The term ***OPERATION AND MAINTENANCE*** includes ***REPLACEMENT***.

RESIDENTIAL CONTRIBUTOR. Any contributor to the city's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

SHALL/MAY. Shall is mandatory; may is permissive.

TREATMENT WORKS. Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection system, individual systems, pumping power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

(B) *Rates and charges established.*

(1) For the purpose of paying the costs of maintenance, operation and retiring the debt of the sanitary sewer system, including the wastewater treatment plant of the city, there shall be established, fixed and imposed upon the users of the system, rates and charges for sewer service in the city. Furthermore, there shall be established a user classification system of four classes of users.

(2) The four classes of users shall be:

(a) Residential, including single- and multi-family dwellings;

(b) Light commercial/institutional, including non-residential users, which contribute between zero and 300 gallons per day of wastewater;

(c) Heavy commercial users, which contribute more than 300 gallons per day of wastewater; and

(d) Heavy institutional users, including schools.

(3) The rates for individual classes will be as follows:

Class 1; Residential Users, Single- and Multi-Family	\$10/month for operation and maintenance, including replacement
Class 2; Light Commercial/Institutional	\$10/month for operation and maintenance, including replacement
Class 3; Heavy Commercial Users	\$27/month for operation and maintenance, including replacement
Class 4; Heavy Institutional Users	\$55/month for operation and maintenance, including replacement

(4) The charge shall be levied to each property served by the sanitary sewer system, regardless of location, and shall be included with the statement for water service.

(5) Any user which discharges any substance, which singly or by interaction with other substances, causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for the increased costs. The charge to each user will be as determined by the responsible plant operation personnel and approved by the City Council.

(C) *Disposition of revenues.* The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the city may, by ordinance, designate to be paid by the user charge system.

(Prior Code, § 4-4-13) (Ord. 422, passed - -1987; Ord. 663, passed 9-17-2003; Ord. 714, passed 9-8-2009)

Cross-reference:

Water billing procedure, see Chapter 52

CHAPTER 54: ELECTRICITY

Section

- 54.01 Electrical rates
- 54.02 Rates not covered by schedule
- 54.03 When due
- 54.04 Adoption of National Electrical Code
- 54.05 Electrical Inspector
- 54.06 License required
- 54.07 Electrical permit required
- 54.08 Inspection fee
- 54.09 Notification; inspection
- 54.10 Certificate of inspection required
- 54.11 Homeowner exempted
- 54.12 Electrical meters
- 54.13 Net metering services

§ 54.01 ELECTRICAL RATES.

The City Council shall establish, from time to time, the rates and charges for the sale of electrical energy by the city to consumers for private and public purposes within the city. (Prior Code, § 4-3-1) (Ord. 711, passed 3-10-2009; Ord. 716, passed 9-15-2009; Ord. 723, passed 1-12-2010; Ord. 727, passed 3-9-2010; Ord. 728, passed 4-13-2010; Ord. 742, passed 9-11-2012; Ord. 771, passed 3-10-2015)

§ 54.02 RATES NOT COVERED BY SCHEDULE.

When electrical energy is used by consumers not embraced in § 54.01 above, the rate therefor shall be fixed by the Mayor and Council. (Prior Code, § 4-3-2) (Ord. 125, passed 12-3-1946)

§ 54.03 WHEN DUE.

All charges for electrical energy shall be due and payable on the first day of each month and if not paid on or before the tenth day of each month, the service shall be cut off. However, this provision shall not apply to federal, state and local government agencies and governmental subdivisions. (Prior Code, § 4-3-3) (Ord. 542, passed 8-8-1995)

§ 54.04 ADOPTION OF NATIONAL ELECTRICAL CODE.

All electric wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected on, any building or structure within the limits of the city shall be in conformity with the provisions set forth in the 2005 National Electrical Code, standard of the National Board of Fire Underwriters for Electrical Wiring and Apparatus, as recommended by the National Fire Protection Association, which is hereby adopted as the electrical code of this city, three copies of the above adopted code being on file in the office of the Clerk.

(Prior Code, § 4-3-4)

Statutory reference:

Similar provisions, see Neb. RS 18-132

§ 54.05 ELECTRICAL INSPECTOR.

There is hereby created the Office of Electrical Inspector to be conducted under the supervision of the Engineer.

(Prior Code, § 4-3-5) (Ord. 245, passed 9-4-1973)

§ 54.06 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of installing wires and appliances in any building for use in connection with light, heat, power and other purposes in the city without first having secured a master electrician's license or a journeyman electrician's license from the state electrical board.

(Prior Code, § 4-3-6) (Ord. 245, passed 9-4-1973) Penalty, see § 10.99

§ 54.07 ELECTRICAL PERMIT REQUIRED.

(A) No wires or appliances shall be installed in any building for use in connection with light, heat, power and other purposes in the city and no alteration or change shall be made in the wiring or appliances in any building without first securing from the Electrical Inspector, a permit therefor, nor shall any change be made in any wiring or appliances after inspection without notifying the Electrical Inspector, and securing a permit therefor, except minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, tapping air joints and repairing drop cords.

(B) Applications for the permit describing the work shall be made by the person, firm or corporation installing the same and the permit when issued shall be to the applicant.

(C) No deviation shall be made in the details for wiring or appliances as shown by the application without permission from the Electrical Inspector in writing.
(Prior Code, § 4-3-7) (Ord. 245, passed 9-4-1973)

§ 54.08 INSPECTION FEE.

The Electrical Inspector shall be entitled to make a charge established by resolution of the City Council for each inspection of completed electrical work.
(Prior Code, § 4-3-8) (Ord. 245, passed 9-4-1973; Ord. 720, passed 9-8-2009)

§ 54.09 NOTIFICATION; INSPECTION.

(A) It shall be the duty of any person performing any electrical work to notify the Electrical Inspector when the work is ready to be tested or inspected.

(B) The notice must be filed in the office of the Electrical Inspector, and the notification must be made within a reasonable time before the work is ready for inspection.
(Prior Code, § 4-3-9) (Ord. 245, passed 9-4-1973)

§ 54.10 CERTIFICATE OF INSPECTION REQUIRED.

Before any electricity may be turned on to any consumer by the city, except for construction work in unfinished buildings, a certificate must be filed by the Electrical Inspector with the Clerk stating that this particular work has passed inspection.
(Prior Code, § 4-3-10) (Ord. 245, passed 9-4-1973)

§ 54.11 HOMEOWNER EXEMPTED.

This chapter shall not be construed to prohibit a homeowner from personally performing work on the property in which he or she resides without a license or permit to do the work, provided the work passes the inspection of the Electrical Inspector.
(Prior Code, § 4-3-11) (Ord. 245, passed 9-4-1973)

§ 54.12 ELECTRICAL METERS.

(A) *Service connections.*

(1) All premises using city electrical services must be equipped with an adequate electrical meter which will be furnished by the city.

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(2) Consumer shall pay the cost of installation and purchase of the electrical meter on any new construction or new electrical service.

(3) Meters installed on existing services shall be paid by the city, unless the meter has been damaged by the fault or negligence of the customer. In that case, the meter shall be paid for by the customer.

(4) All meters shall be installed under the directions of the Utility Superintendent, and subject to his or her approval.

(5) Utility Superintendent shall have access to any building at reasonable hours for the purpose of inspection, installation and maintenance of electrical meters.

(6) All metering equipment enclosures, meter sockets, conduits or raceways, and service entrance conductors included in the necessary service entrance, shall be furnished, installed, and maintained by the customer at their expense and shall meet all local, state and national electrical codes and shall be of a type approved by the Utility Superintendent.

(7) All conduits or raceways, and service conductors included in the necessary service entrance shall be furnished, installed, and maintained by the customer at their expense and shall meet all local, state and national electrical codes. Installation shall be at the customer's expense when mounted on the customer's building, poles, or other supports.

(8) All CT wiring and metering equipment shall be furnished and maintained by the city.

(9) Under normal circumstances, the city shall furnish, install and maintain overhead service conductors from the city's supply system to a point on, or adjacent to the customer's premises designated by the city as the point of delivery. All wiring and equipment, exclusive of the city-owned metering equipment beyond this point shall be furnished, installed and maintained by the customer at their expense.

(10) The customer shall provide and maintain, without cost to the city, a safe and substantial support and point of attachment for the city's overhead service conductors. In no case will the city be responsible for any damage caused by failure of, or defect in, such support or point of attachment. The support and point of attachment of the city's overhead service conductors to the building or other means of support shall be made so as to comply with the local, state and national electric codes, including but not limited to, provisions regarding location, accessibility and clearance above ground, from building openings and over roofs.

(11) With reference to underground service, the city shall determine the point of delivery for underground service adjacent to the customer's property line. The customer shall reimburse the city for

all trenches and conduit for primary, secondary and service conductors to the point of delivery, in accordance with city specifications and policies. The customer providing and installing the trench and conduit is considered a suitable reimbursement.

(12) All trenches and conduit installations to the point of delivery shall be inspected by the city prior to backfilling.

(B) *General residential requirements.*

(1) In general, the city will make permanent extensions of electric lines and facilities, without cost to the customer, where the estimated revenue to be received from the service will provide an adequate and continuous return on the city's investment, otherwise the customer will be responsible for paying the cost of the extension of electric lines and facilities to the point of delivery.

(2) Customer shall be responsible for extraordinary construction costs and facilities, where conditions exist that do not allow for use of standard construction practices. All service equipment beyond the point of delivery is the responsibility of the customer.

(C) All service equipment for either overhead or underground installation beyond the point of delivery is the responsibility of the customer.

(D) Customers are responsible for maintaining final grades such that all electrical equipment remains readily accessible and such that the required minimum depth of burial is maintained.

(E) In the event a consumer fails or refuses to grant access to any building or structure for installation, repairs or maintenance of an electrical meter service to that residence or building shall be terminated upon ten days written notice to the consumer.

(Ord. 710, passed 3-10-2009; Ord. 737, passed 1-10-2012)

§ 54.13 NET METERING SERVICES.

(A) *Net metering services.* There is hereby adopted a Net Metering Application, Interconnection Agreement and Net Metering Certificate of Completion, including program overview, technical requirements, glossary of terms and Electrical Code standards for net metering services for the city, which shall be kept in pamphlet form by the City Clerk.

(B) *Rates.* Rates for net metering services shall be adopted by the city as part of its electrical rate ordinance that is amended from time to time.

(C) *Codes and standards.* All codes and standards adopted herein shall without further amendment, incorporate all revised, updated and amended national certification codes and standards so that the most current code shall apply as the national codes are updated.

(Ord. 740, passed 6-6-2012)

