

**CITY OF BAYARD  
ORDINANCE 885**

**AN ORDINANCE OF THE CITY OF BAYARD, NEBRASKA AMENDING  
SECTION 53.13 (B) OF THE CITY CODE; SETTING SEWER FEES; PROVIDING  
FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN  
EFFECTIVE DATE OF THIS ORDINANCE.**

**NOW THEREFORE**, be it ordained by the Council of the City of Bayard, in the State of Nebraska, as follows:

**SECTION 1:**        **AMENDMENT** “53.13 Sewer Charges” of the City of Bayard Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

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	\$17/month for operation and maintenance, including replacement
Class 2; Light Commercial/Institutional	\$17/month for operation and maintenance, including replacement
Class 3; Heavy Commercial Users	\$35/month for operation and maintenance, including replacement
Class 4; Heavy Institutional Users	\$65/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

AFTER AMENDMENT

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	\$ <del>17</del> <u>18</u> /month for operation and maintenance, including replacement
Class 2; Light Commercial/Institutional	\$ <del>17</del> <u>18</u> /month for operation and maintenance, including replacement
Class 3; Heavy Commercial Users	\$ <del>35</del> <u>38</u> /month for operation and maintenance, including replacement
Class 4; Heavy Institutional Users	\$ <del>65</del> <u>68</u> /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

**SECTION 2:**        **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 1, 2024, after the required passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE CITY OF BAYARD COUNCIL SEPTEMBER 10, 2024.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Marty Marquez	_____	_____	<u>  X  </u>	_____
Chris Baird	<u>  X  </u>	_____	_____	_____
Jamie Hernandez	<u>  X  </u>	_____	_____	_____
Diane Kraus	<u>  X  </u>	_____	_____	_____
Sheila Dudden	<u>  X  </u>	_____	_____	_____
Tanner Henkel	<u>  X  </u>	_____	_____	_____

Presiding Officer

\_\_\_\_\_  
Scot Ouderkirk, Mayor, City of Bayard

Attest

\_\_\_\_\_  
Shelly Bowlin, City Clerk, City of Bayard

