

CHAPTER 52: SEWER

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GENERAL PROVISIONS**§ 52.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where no definition is specified, the normal dictionary usage of the word shall apply.

BIOLOGICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING OR HOUSE DRAIN. The part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of any building or house.

BUILDING OR HOUSE SEWER. The part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

GARBAGE. Solid wastes from the preparation of cooking and dispensing of food and produce.

LOCAL VENTILATING PIPE. Any pipe through which foul air is removed from a room or fixture.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING FIXTURES. Receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

PROPERLY SHREDED. Shredding to 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 inch in diameter.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with ground, surface and storm waters as may be present.

SEWER SYSTEM. All facilities for collecting, pumping, treating and disposing of sewage.

SOIL PIPE. Any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

STORM SEWER. A sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in immersion in water, sewage or other liquids, and are removable by filtering.

TRAP. 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.

TRAP SEAL. The vertical distance between the crown weir and the dip of the trap.

VENT PIPE. Any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

WASTE PIPE. Any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe or waste stack.
(1999 Code, § 3-202)

MUNICIPAL SEWER DEPARTMENT

§ 52.15 OPERATION AND FUNDING.

(A) The municipality owns and operates the Municipal Sewer System through the Utilities Superintendent.

(B) For the purpose of defraying the cost of the maintenance and repairing of any sewer or water utilities in the municipality, the governing body may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property in the municipality. The revenue from the tax shall be known as the Water and Sewer Maintenance Fund and shall be used exclusively for the purpose of maintenance and repairs of the water and sewer system.

(C) The Utilities Superintendent shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the governing body.

(1999 Code, § 3-201)

Statutory reference:

Authority or similar provisions, see Neb. RS 17-149, 17-925.01

§ 52.16 APPLICATION FOR CONNECTION.

Any person wishing to connect with the sewer system shall make an application therefor to the City Clerk. The Clerk may require any applicant to make a service deposit in an amount as has been set by the governing body and placed on file at the office of the City Clerk. Sewer service may not be supplied to any house or building except upon the order of the Utilities Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the governing body; provided, that the entire cost of pipe and other installation charges shall be paid by the consumers. Nothing herein shall be construed to obligate the municipality to provide sewer service to nonresidents.

(1999 Code, § 3-203)

§ 52.17 SERVICE TO NONRESIDENTS.

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

(1999 Code, § 3-204)

Statutory reference:

Service outside city, see Neb. RS 19-2701

§ 52.18 SEWER CONTRACT.

The municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the municipality, as and when, according to law, the governing body may see fit to do so. The rules, regulations and sewer rental rates hereinafter named in this chapter shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the municipality to which the contract both parties are bound. If the customer shall violate any of the provisions of the contract or any reasonable rules and regulations that the governing body may hereafter adopt, the Utilities Superintendent, or his or her agent, may cut off or disconnect the sewer service from the building or premises of the violation. No further connection for sewer service to the building or premises shall again be made save or except by order of the Superintendent or his or her agent.

(1999 Code, § 3-205)

Statutory reference:

Utilities; contracts, see Neb. RS 17-901, 17-902

§ 52.19 MANDATORY HOOK-UP.

Upon written notice by the Utilities Superintendent, the property owner, occupant or lessee of any premises within 100 feet of any sewer main shall without delay cause the 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 of ten days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the municipality, to make the 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.

(1999 Code, § 3-206) Penalty, see § 52.99

§ 52.20 DIRECT CONNECTIONS.

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make the connections through one pipe.

(1999 Code, § 3-207)

§ 52.21 SERVICE CONTRACTS.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the premises is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the official in charge of sewers is otherwise advised of the circumstances.

(1999 Code, § 3-208)

§ 52.22 INSTALLATION PROCEDURE.

In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. 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 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 inspections by the Utilities Superintendent. The first inspection shall be made when connections or repairs are complete and before the pipes are covered. The second 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 the installation prescribed by the Utilities Superintendent; provided, that the rules, regulations and specifications have been reviewed and approved by the governing body.
(1999 Code, § 3-209) Penalty, see § 52.99

§ 52.23 INSTALLATION EXPENSE.

The customer, upon approval of his or her application for sewer service, shall pay the City Clerk a tap fee in the amount of \$50. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a plumber, if needed, and shall pay all other costs of tapping the sewer main and installation of the sewer line.
(1999 Code, § 3-210)

§ 52.24 REPAIRS AND MAINTENANCE.

The municipality shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the Utilities Superintendent; provided, that the same have been previously approved by the governing body.
(1999 Code, § 3-211)

§ 52.25 FEES AND COLLECTIONS.

(A) The governing body has the power and authority to fix the rates to be paid by customers of the sewer system.

(B) All rates shall be on file for public inspection at the office of the City Clerk.
(1999 Code, § 3-212)

§ 52.26 CLASSIFICATION.

The governing body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; provided, that the classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.
(1999 Code, § 3-213)

§ 52.27 RATE SETTING.

Customers of the Municipal Sewer Department shall be charged a rate for the use of sewer service as shall be set, from time to time, by ordinance and which shall be on file at the office of the City Clerk for public inspection at any reasonable time.

(1999 Code, § 3-214)

§ 52.28 SPECIAL RATES AUTHORIZED.

When, in the judgment of the Mayor and the City Council, by reason of special conditions, the application of the rates set pursuant to § 52.27 would be inequitable or unfair to either the municipality or the consumer or when the character of the sewage from a consumer is such that an additional burden is placed upon the sewerage system greater than that imposed by the average sewage delivered to the sewage disposal plant, a special rate may be established by contract, resolution or ordinance duly passed and approved by the Mayor and City Council.

(1999 Code, § 3-215)

§ 52.29 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 or she shall notify the owner to make the necessary changes to conform with the provisions of the municipal code.

(1999 Code, § 3-216)

§ 52.30 UNLAWFUL USE.

(A) 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 industrial process waters into the sanitary sewer.

(B) 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 150°F;
- (2) Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease;
- (3) Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas;

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(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 a character and quantity that unusual attention or expense is required to handle the 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; and

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
(1999 Code, § 3-217) Penalty, see § 52.99

Statutory reference:

Sewers and drains; regulation, see Neb. RS 17-145

§ 52.31 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 customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within the maximum limits as he or she 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.

(1999 Code, § 3-218)

§ 52.32 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.

(1999 Code, § 3-219) Penalty, see § 52.99

§ 52.33 INSPECTIONS.

The Utilities Superintendent or his or her authorized agents shall have free access at any reasonable time to all parts of each premises and building which is connected with the sewer system to ascertain whether there is any disrepair or violations of this chapter therein.

(1999 Code, § 3-220)

§ 52.34 COMPLAINTS.

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

(1999 Code, § 3-221)

§ 52.99 PENALTY.

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this code, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(1999 Code, § 3-1101) (Ord. 00-20, passed 6-6-2000)

