

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

**51. SEWERS**

**52. NATURAL GAS**



Section

*Garbage Disposal*  
**CHAPTER 50: SOLID WASTE**

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***GARBAGE DISPOSAL***

**§ 50.01 DEFINITIONS.**

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

***GARBAGE.*** Kitchen refuse, decayed or decayable vegetable, fish or animal substance, any substance that may constitute or create a food source for rodents or vermin or any substance that may decompose and become offensive or injurious to the public health.

***RUBBISH* or *TRASH.*** Discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the city.

***WASTE.*** Cinders, ashes, plaster, brick, stone, sawdust or sand.  
(‘79 Code, §§ 4-201, 4-202, 4-203) (Am. Ord. 367, passed 1-2-85)

**§ 50.02 COLLECTION; AUTHORITY; NOTICE; REMOVAL; NUISANCE; COLLECTION; LIEN.**

- (A) The city may provide for the collection and removal of garbage or refuse found upon any lot

or land within its corporate roads or alleys abutting such lot or land which constitutes a public nuisance. The city may require the owner, duly authorized agent or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads or alleys.

(B) Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant, if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the city, through its proper offices, shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads or alleys.

(C) If the Mayor declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the city shall remove the garbage or refuse, or cause it to be removed, from such lot or land within 48 hours after notice by the personal service or following receipt of a certified letter in accordance with this section if such garbage or refuse has not been removed.

(D) Whenever the city removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this chapter, it shall, after a hearing conducted by the City Council, assess the cost of the removal against such lot or land.  
(‘79 Code, § 4-208) (Ord. 469, passed 10-18-88)

#### **§ 50.03 GARBAGE, TRASH, AND WASTE.**

(A) It shall be unlawful for any person to keep in, on or about any dwelling, building or premises, or any other place in the city, garbage or rubbish of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in tightly closed impermeable receptacles. However, garbage and rubbish may also be disposed of in properly tied plastic bags, provided that such bags are not located outside of an enclosed building and are not placed curbside more than 24 hours before pickup.

(B) The Board of Health may order the removal of garbage and rubbish that it determines to be a threat to public safety, and the owner or occupant shall comply with such order within 24 hours of notification, it being unlawful to fail to so comply.

(C) Except as permitted by division (D) of this section, garbage cans, garbage can holders, plastic bags or other refuse containers may not be located in the front yard or within any required front yard setback of residential lots, except for temporary placement curbside, not more than 24 hours before pickup. As used herein, "front yard setback" shall, in the case of a corner lot, include both yards facing a street.

(D) Two tightly closed, impermeable garbage receptacles may be kept in the front yard within three feet of the exterior wall of the home.

(E) All owners or occupants shall have the contents of all garbage receptacles removed from the premises at their own cost at least once a week, and it shall be unlawful to fail to do so.

(F) It shall be unlawful to place, throw or sweep into the streets, alleys, parks or other public grounds any dirt, paper, nails, pieces of glass, garbage, waste, rubbish or refuse of any kind.

(G) Refuse containers for all business establishments and multi-family housing complexes containing five or more housing units shall be enclosed on three sides with a minimum six foot fence. Home occupations are exempt from the aforesaid fencing requirements. The requirement for fencing around refuse containers may be waived by the City Inspector upon the submission of an alternative and acceptable refuse disposal plan, satisfying aesthetic, sanitary and safety concerns, proposed by the business or multi-family housing complex owner(s). Waivers shall be allowed only in accordance with sanitation regulations as established and on file at the La Vista City Hall. (Neb. RS 19-2106) ('79 Code, § 4-204) (Am. Ord. 444, passed 7-7-87; Am. Ord. 575, passed 9-7-93; Am. Ord. 601, passed 11-15-94) Penalty, see § 10.99

**§ 50.04 DUMPING ILLEGAL.**

From henceforth, it shall be illegal for any person, persons or corporations to dump garbage, refuse, tin cans, other food receptacles or papers anywhere within the limits of the city of La Vista, other than for purposes of pickup and hauled away by the regularly authorized person, persons or corporations hired for such purpose.

('79 Code, § 4-206) (Ord. 14, passed - -) Penalty, see § 10.99

**§ 50.05 HAULER PERMIT AND REQUIREMENTS.**

(A) It shall be unlawful for any person, firm or corporation to engage in the business of collecting, hauling or transporting refuse, garbage, trash. or rubbish in the city without first obtaining a permit from the City Clerk to engage in such business. The fee for such permit shall be an amount set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk. Should a permit not be issued, such fee shall be returned to the applicant. Each vehicle shall constitute a separate application and permit.

(B) All applicants for permits to be issued under this section shall file with the City Clerk a schedule of rates proposed to be charged for such services and shall charge for such services in accordance therewith. All provisions and regulations of this section shall be complied with before such permit shall be issued.

(C) Application for permits shall be filed with the City Clerk together with the necessary requirements as provided for in this section. The City Clerk shall immediately notify the Public Works Director for purposes of inspecting the applicant's equipment. Upon approval by the Public Works Director, and no permit shall be issued without such approval, the City Clerk shall examine the application and, if in his or her determination all the requirements provided by this section are met, shall issue such permit.

(D) Such permit shall be enforced from the date of issuance until the following December 31, provided that if at any time after the issuance thereof the City Clerk shall determine that the permittee can no longer fulfill the requirements of this section or is violating the same or is hauling garbage, trash, refuse or rubbish in such a manner as to constitute a menace to health, such permit shall be revoked.

(E) All persons, firms, or corporations applying for permits to engage in the business of collecting, hauling or transporting refuse, garbage, trash or rubbish shall provide satisfactory proof that they own or have continued access and dumping rights to licensed dumping sites or facilities as hereinafter required for the deposit therein of matter collected, transported or hauled. All refuse or matter which consists in whole or in part of garbage shall be disposed of only in a licensed landfill site or legal incinerator site. Refuse or matter which contains no garbage shall be disposed of in a licensed landfill site or legal incinerator site. As used herein, the terms "licensed" and "legal" shall mean fully approved by, and at all times operated in accordance with the applicable rules and regulations of the Health Department of the state of Nebraska and/or the Department of Environmental Quality of the state of Nebraska and of the county or other political subdivision having jurisdiction over the facility or site.

(F) Before any person, firm or corporation shall engage in the business of collecting, hauling or transporting refuse, garbage, trash or rubbish, they shall submit the equipment proposed to be used to collect, haul or transport garbage, trash or rubbish for inspection by the Public Works Director. Any vehicular equipment used for the transporting of garbage, trash, refuse or rubbish over the streets, avenues or alleys in the city of La Vista, shall have attached thereto a metal body of the totally enclosed watertight sanitary refuse collection type. The floor shall be of such pitch and shall so meet the sides and front so as to prevent the leakage and dripping of liquids. The body shall be maintained clean and odor free.

(G) Before any person, firm or corporation shall engage in the business of collecting, hauling or transporting refuse, garbage, trash or rubbish in the city, they shall, in writing, guarantee the city that they will, on a quarterly basis, provide a written summary of the volume of all waste collected, disposed of and/or recycled from the city of La Vista. A written summary shall be provided to the city for each calendar quarter commencing with the fourth quarter of 1993 and shall be due on the fifteenth day of the following month. The waste disposed of and/or recycled shall be measured and reported to the city by the cubic yard, by tonnage or such other method of measurement as the city shall direct.

(H) Upon issuance of a permit, such person, firm or corporation shall post with the city a performance bond in the amount of \$25,000. ('79 Code, § 4-207) (Ord. 42, passed - -; Am. Ord. 367, passed 1-2-85; Am. Ord. 576, passed 10-20-93) Penalty, see § 10.99

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**GENERAL PROVISIONS****§ 51.001 DEFINITIONS.**

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

**ABNORMAL BOD.** The BOD content of the sewage in excess of 240 parts per million.

**ABNORMAL SUSPENDED SOLIDS AND GREASE.** The sum of the suspended solids content of the sewage in excess of 300 parts per million and the grease content in excess of 100 parts per million.

**BIOLOGICAL OXYGEN DEMAND (BOD).** 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 or in milligrams per liter.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** A sewer receiving both surface runoff and sewage.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**GOVERNMENTAL REQUIREMENT.** The Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC 9601 et seq.; the Superfund Amendments and Reauthorization Act of 1986, 10 USC 2701 et seq.; the Federal Water Pollution Control Act of 1972, 33 USC 1251 et seq.; the Clean Water Act of 1977, 33 USC 1251 et seq.; the Toxic Substances Control Act, 15 USC 2601 et seq.; and the Safe Drinking Water Act, 42 USC 201 and 300ff et seq., as any are amended from time to time, and any other applicable federal, state, or local law, rule, regulation, or order from regulating the installation, use, generation, manufacture, treatment, handling, refining, production, processing, storage, disposal, discharge, emission, transportation, release, location, or cleanup of any **HAZARDOUS MATERIALS** or the liability or responsibility of any individual or entity for or with respect to any of the foregoing.

**GREASE.** The fatty acids, soaps, fats, waxes and oils which are recoverable by n-hexane extraction expressed in parts per million by weight.

**HAZARDOUS MATERIALS.** All flammable, explosive, asbestos-containing, or radioactive materials or substances; hazardous wastes, toxic substances, or related injurious materials or substances, whether injurious by themselves or in combination with other materials or substances; polychlorinated biphenyls; chemicals known to cause cancer or reproductive toxicity; petroleum or petroleum-based products, distillates, or fractions; substances, the presence of which on any property is prohibited by any **GOVERNMENTAL REQUIREMENT**; and substances for which any **GOVERNMENTAL REQUIREMENT** requires a permit or special handling in its use, collection, storage, treatment, or disposal. **HAZARDOUS MATERIALS** shall include but not be limited to hazardous wastes, hazardous substances, hazardous materials, toxic wastes, toxic materials, and toxic substances, as defined by any **GOVERNMENTAL REQUIREMENT**.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**INSPECTOR.** The Building Inspector of the city, or his or her authorized agent or representative.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NONRESIDENTIAL PROPERTY.** Any property not classified as residential property in the definition for "residential property" which term, **NONRESIDENTIAL PROPERTY**, shall include, by way of specification and not by way of limitation, commercial and industrial property.

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

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

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

**RESIDENTIAL PROPERTY.** Any property upon which any structure constructed or to be constructed is used or is to be used primarily as a place or places of abode. In any structure which is used for multiple family dwelling, each family or living unit with private bath facilities shall be considered a separate and distinct residential property for purposes of computing the connection fee provided for in this chapter. In any situation where a trailer house or separate dwelling is connected with others as a single tap or connection to the city sewerage system, each individual trailer house or separate dwelling will be considered to be a separate and distinct residential property.

***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 such ground, surface and storm waters as may be present.

***SEWAGE TREATMENT PLANT.*** Any arrangement of devices and structures used for treating sewage.

***SEWER.*** A pipe or conduit for carrying sewage.

***SEWERAGE SYSTEM.*** That system of sanitary sewer and outfall sewers owned by the city. In situations where the sewer hookup or connection for any property is with a sewer or system of sewers not owned by the city but which sewer or system of sewers flow into or through any portion of the sewer system of the city, then such shall, for the purposes of this chapter, be deemed to be a use of the sewer system of the city of La Vista to the same extent as though the connection or hookup for said property were made directly into the sewer system of the city.

***SEWER SERVICE USER.*** Any owner, possessor, tenant, occupier, inhabitant, holder or person using premises, property or structures of every kind, nature and description, which have water service from any supply source and are connected directly or indirectly with the sewage system of the city.

***SLUG.*** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

***STORM DRAIN*** (sometimes termed storm sewer). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

***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.

***WATERCOURSE.*** A natural or artificial channel for the passage of water either continuously or intermittently.  
(‘79 Code, § 3-101)

**§ 51.002 OPERATION AND FUNDING OF SEWER DEPARTMENT.**

(A) The city owns and operates the sewer system through the Public Works Director. The City Council, for the purpose of defraying the cost of the operation, maintenance and repair (OM&R) of the city sewer system may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

- (1) Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
- (2) Generate adequate revenues to pay the costs of OM&R;
- (3) Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

(B) The revenue from the said user charge system based on actual use shall be known as the Sewer Fund. The Public Works Director shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his or her office. The Public Works Director 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 City Council.  
(‘79 Code, § 3-102)

***Statutory reference:***

*Related provisions, see Neb. RS 16-667, 18-501, and 18-503*

**§ 51.003 CONTRACT AUTHORITY.**

The city of La Vista may, during such period or periods of time as it deems appropriate, enter into a contract with the Metropolitan Utilities District for the collection of all or any part of the sewer use fees accruing to the city pursuant to this chapter from and after April 1, 1975.  
(‘79 Code, § 3-106) (Ord. 190, passed - -)

**§ 51.004 MAINTENANCE.**

The owner of any premises connected to the city sewerage system or any sewer connected to or draining into said system shall be responsible for maintaining the entire connection line, from the sewer main to the building, in good operating condition and repair, including any wyes, slants, risers and stubouts that were utilized by said person in effecting his or her connection.  
(‘79 Code, § 3-131) (Ord. 78, passed - -)

**§ 51.005 TESTING SEWER SERVICE USER.**

Any sewer service user may employ a fully qualified, independent testing laboratory to determine the abnormal BOD and abnormal suspended solids and grease content of sewage delivered to the system for comparison with the determinations made by the city. The results of the determinations made by the independent testing laboratory, if different than those made by the city, shall be accepted by the city provided the sampling and analysis is made in accordance with the most recent edition of the Standard Methods for the Examination of Water and Waste Water as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. The sewer service user will notify the city in advance of its intention to sample its sewage. Samples will be collected on a mutually agreed upon schedule and the value for each parameter above normal, as herein defined, shall be the arithmetic average of the values obtained from at least five 24 hour composite samples over a proven reasonable plant production for such user.

('79 Code, § 3-108) (Ord. 190, passed - -)

***RATES AND CHARGES*****§ 51.015 RATES.**

(A) *Levy of sewer service charges.* The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which have water service from any supply source and are connected directly or indirectly with the sewerage system of the city.

(B) *Computation of sewer service charges.* For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage for the four preceding winter months of December, January, February and March, or for such portion of said consumption, whichever is the lesser. At the option of the city, water used from private wells shall be either metered or estimated for billing purposes.

(C) *Amount of sewer service charges.* The total sewer service charge for each sewer service user will be the sum of following three charges: customer charge, flow charge, and abnormal charge.

(1) (a) For purposes of the customer charge, there shall be three classifications:

1. Residential, the same being sewer service to a single-family dwelling or a duplex, apartment, or other multi-family dwelling wherein the water consumption for each dwelling is separately supplied, metered, and charged for by the Metropolitan Utilities District.

2. Residential-Multi-Family, the same being sewer service to multi-family dwellings wherein the water consumption in each dwelling is not separately supplied, metered, and charged for by the Metropolitan Utilities District; and

3. General Commercial: customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users.

(b) The customer charges for each classification shall be set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk.

(2) The flow charge for all sewer service users shall be set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk.

(3) If users other than those classified herein are connected to the wastewater collection system, the customer charges, the flow charges and other charges will be determined by the City Council in accordance with rules and regulations of the EPA and the agreement between the city of La Vista and the city of Omaha.

('79 Code, § 3-103) (Ord. 190, passed - -; Am. Ord. 418, passed 9-23-86; Am. Ord. 579, passed 2-15-94; Am. Ord. 648, passed 5-7-96)

#### § 51.016 CONNECTION FEES.

(A) A fee shall be paid to the City Treasurer for each structure or tract to be connected to the sewer system of the city, the amount of which shall be set from time to time by the Mayor and City Council and a current record of which shall be maintained by the City Clerk. Connection fees shall be set by the following classifications: Residential (single-family dwelling, duplexes, and multiple-family (three or more units)) and Commercial (including industrial). The connection fee for the Commercial (including industrial) classification shall be computed on a per-acre basis within each platted lot or tract, irrespective of the number of structures to be constructed thereon. No connection permit or building permit shall be issued until the appropriate connection fees have been paid.

(B) *Changes in use.* If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the city at the time of such change in use.

(C) *Existing structures.* Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof, shall be exempt from the fees herein imposed.

(D) *Preconnection payments.* Where preconnection payment charges for a subdivision or portion thereof have been paid to the city at the time of subdivision of a tract pursuant to agreement between

the city, the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by the city to the sewer/drainage fees payable at the time of connection of the individual properties to the sewer/drainage systems of the city.

(E) *Sewer tap and inspection and sewer service fees.* The fees imposed by division (A) of this section are in addition to and not in lieu of:

- (1) Sewer tap and inspection fees payable pursuant to § 51.062 of this chapter and
- (2) Sewer service charges imposed by § 51.015 of this chapter.

(F) *Sarpy County Industrial Sewer.* Properties directly connected to that portion of the Sarpy County Industrial Sewer described as the “La Vista Project” in the Interlocal Cooperation Agreement between Sarpy County and the cities of the La Vista and Gretna dated February 20, 1996, as amended, shall be subject to the terms of such agreement. ('79 Code, § 3-103.01) (Ord. 707, passed 11-4-97)

### **§ 51.017 SEWER FUND.**

(A) Moneys collected from the sewer service charge established by this chapter shall be deposited in a separate fund to be known as the “Sewer Revenue Fund,” and shall be used for the following purposes:

(1) To defray the cost of enlargement, extension and expansion of sanitary sewers, outfall sewers, treatment plants and other facilities comprising a part or parts of the sewerage system;

(2) For payment of principal and interest on bonds issued for the purpose of constructing, equipping or operating the sanitary sewer system or parts thereof owned by the city, including both those bonds which shall have originally been issued by the city itself and those bonds issued by any sanitary and improvement district or other public corporation organized under Nebraska law and to whose obligations the city shall have succeeded by reason of annexation, merger or otherwise;

(3) For payment of principal and interest on bonds issued for the purposes provided in Neb. RS 18-502 or 18-506, or other authority pursuant to which the city may issue sewer bonds.

(4) To defray any contract charges the city may from time to time incur for sewerage transportation treatment and disposal.

(5) To pay the cost of administering the terms of this chapter.

(6) Such other purposes as may be authorized by law.

(B) The operation, maintenance and repair (OM&R) Portion of the total sewer user charges shall be deposited in a nonlapsing Sewer Fund, or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R. The Sewer Fund will have a minimum of two primary accounts: an O&M account with provision for carry-over of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year.  
(‘79 Code, § 3-104) (Ord. 140, passed - -)

#### **§ 51.018 CLASSIFICATION OF SEWER SERVICE USERS AND DETERMINATION OF ABNORMAL CHARGES.**

For the purpose of applying the abnormal charge called for in § 51.015 of this chapter, the city shall classify all sewer service users according to the more recent edition of the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget. The city shall then sample wastes from a sample of the sewer service users in each Standard Industrial Classification and from this determine the abnormal BOD and abnormal suspended solids and grease for all users in each classification.  
(‘79 Code, § 3-105) (Ord. 190, passed - -)

#### **§ 51.019 PAYMENT AND COLLECTION OF SEWER USE FEES.**

(A) All sewer service charges provided for by this subchapter shall be billed and collected as specified and provided in the contract by and between the city of La Vista and the Metropolitan Utilities District authorized herein.

(B) Any sewer charge not paid within 30 days after the bill date specified on the sewer service charge bill or statement shall be delinquent. In addition to the remedies provided by law and particularly Neb. RS 18-503, and any amendment, modification or revision thereof, any sewer service charge which shall be charged for service on or after April 1, 1975, and is unpaid 30 days after the same shall become delinquent shall be a gross billing sewer service charge bearing an additional charge (to apply to the city's added costs) of \$5 dollars per billing or statement and said service charge shall bear interest at the rate of 14% per annum from date the same shall become delinquent, and said delinquent sewer service charge, together with the \$5 dollar gross bill sewer service charge and interest shall be a lien upon the property serviced; and said delinquent sewer service charge and additions as aforesaid shall be levied and assessed against the premises serviced in the same manner prescribed by law for the assessment and levy of special taxes and assessments and shall be collected and returned in the same manner as other city taxes and assessments are certified, assessed, collected and returned or may be recovered by the city in a civil action. In addition, water service may be discontinued in the event a sewer service charge becomes delinquent and remains unpaid for 30 days after the same shall become delinquent. Any order



to discontinue water service by reason of delinquent sewer service charges shall be issued by the City Administrator to the Metropolitan Utilities District in accordance with applicable law and subject to prior approval of the City Council. These remedies shall not be mutually exclusive, but shall be cumulative.

('79 Code, § 3-107) (Ord. 190, passed - -; Am. Ord. 307, passed 5-4-82)

#### **§ 51.020 SPECIAL RATES.**

Whenever by reason of special conditions the application of the rates specified in § 51.015 of this subchapter would be inequitable or unfair to either the city or the user, or in cases where the character of the sewage from sewer service users is such that an additional burden is placed upon the sewerage system greater than that imposed by the average sewage delivered to the system, the Public Works Director shall recommend special rates which are equitable and fair to all parties concerned and, when approved by resolution of the City Council, such special rates shall control. When special rates are requested to allow for in-plant use of water which does not go to the sewer system, it shall be mandatory that a sewage meter or separate water meter be installed whenever reasonably possible and in all other instances, the burden shall be upon the user requesting such special rate to prove said in-plant usage.

('79 Code, § 3-110) (Ord. 190, passed - -)

### ***PUBLIC SEWERS REQUIRED***

#### **§ 51.030 UNLAWFUL DEPOSIT OF WASTE.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement (excepting that of a trained guide dog used by a person because of a visual or other physical impairment), garbage, hazardous material, or other objectionable waste.

('79 Code, § 3-111) Penalty, see § 51.999

#### **§ 51.031 UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.**

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

('79 Code, § 3-112) Penalty, see § 51.999

**§ 51.032 CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the city or in any platted subdivision within the jurisdiction of said city.  
(‘79 Code, § 3-113) Penalty, see § 51.999

**§ 51.033 MANDATORY HOOK-UP.**

The owner of all houses, buildings or properties used for human employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so. No private sewer systems shall be permitted within the city or any platted subdivision within the jurisdiction of the city unless in the determination of the Inspector there is no public sewer available; in which event, the Inspector may issue a permit for a private sewage disposal system in the manner provided hereafter.  
(‘79 Code, § 3-114) Penalty, see § 51.999

***PRIVATE SEWAGE DISPOSAL*****§ 51.045 WHEN APPLICABLE.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.033, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(B) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 51.033, a direct connection shall be made to the public sewer within 60 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.  
(‘79 Code, § 3-115) Penalty, see § 51.999

**§ 51.046 PERMIT REQUIRED; FEE.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Inspector. The application for such permit shall be made on a form

furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Inspector. A permit and inspection fee shall be set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk.

(‘79 Code, § 3-116)

#### **§ 51.047 PERMIT; WHEN EFFECTIVE, INSPECTIONS.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Public Works Director.

(‘79 Code, § 3-117)

#### **§ 51.048 SPECIFICATIONS.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the state of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than that prescribed by the applicable provisions of the Plumbing Code. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(‘79 Code, § 3-118) Penalty, see § 51.999

#### **§ 51.049 ADDITIONAL REQUIREMENTS.**

No statement contained in §§ 51.045 through 51.049 shall be construed to interfere with any additional requirements that may be imposed by the Inspector.

(‘79 Code, § 3-119)

***BUILDING SEWER INSTALLATION*****§ 51.060 PUBLIC REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Inspector.

(‘79 Code, § 3-120) Penalty, see § 51.999

**§ 51.061 APPLICATION; ISSUANCE.**

(A) It shall be unlawful for any person to connect any building or premises to the city sewerage system or to any sanitary sewer or system of sanitary sewers connected to or draining into said city sewerage system, or to make any extensions or alterations of any existing sewer connections in said city sewerage system, any sanitary sewer or system of sanitary sewers connected to or draining into said city sewerage system, unless he or she shall have first obtained from the City Clerk a permit to do so and shall have paid the connection fee therefor as hereinafter provided. Such permit, when issued, shall state the name of the owner of the property to be connected, the legal description of such property, the name of the contractor or other person employed to make such connection and, if known, the location of the wye, stubout, riser, slant or other existing apparatus to be utilized.

(B) Any person desiring a permit shall file an application with the City Clerk and said application to be on forms furnished by the City Clerk and to be accompanied by a sketch drawn to scale of not less than one inch to 200 feet showing:

- (1) Location of the property to be served and the location of buildings constructed or to be constructed thereon.
- (2) The location of the existing sewer main or lateral to be utilized.
- (3) The location of the proposed service line and point of connection with the city sewerage system.
- (4) The type and location of existing sewer apparatus to be utilized, for example, wye, stubout, riser, slant and the like.

(C) If the connection is for nonresidential property, the application shall also set forth the type of business to be connected, the diameter of the sewer service line, the type of sewerage and estimated daily volume of liquids that will flow through said connection.

(D) Where the permit applied for is for a residential connection, the City Clerk may issue said permit, provided:

(1) The City Clerk determines that the person to make the connection is a qualified person within the meaning of § 51.063 of this chapter.

(2) That the appropriate connection fee has been paid.

(3) That the appropriate performance bond has been posted as required by § 51.064 of this chapter.

(E) Permits for connections for commercial and industrial use shall in all events be approved by the City Engineer.

('79 Code, § 3-121) (Ord. 78, passed - -)

### **§ 51.062 INSPECTION CHARGES ESTABLISHED FOR INSTALLATION.**

(A) There are hereby established the following inspection charges for connection to the city sewage system.

(B) Subject to the provisions of § 51.064 hereof, the sewer inspection charges for nonresidential property shall be set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk.

(C) In those cases where, as may be determined by the City Building Inspector, the biochemical oxygen demand (BOD) and/or hydraulic flow of effluence from the premises exceeds normal usage and/or the capacity of existing sewer treatment facilities, approval for a connection of such sewer lines must be obtained from the City Council. Sewer connection fees, which include the cost of any necessary additions to the existing sewer system, will be set by the City Council at the time of approval.

('79 Code, § 3-122) (Ord. 191, passed - -; Am. Ord. 280, passed 12-16-80; Am. Ord. 425, passed 11-3-86)

### **§ 51.063 PROCEDURES, SPECIFICATION AND CODES.**

(A) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight and verified by proper testing. No water connection pipes shall be laid in the same trench with sewer connection or drain pipe. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

(D) No person other than a person to whom a master plumber's or sewer layer's permit has been issued by the city of La Vista or the city of Omaha, Nebraska, shall be entitled to a permit to make any sewer connection to the city sewerage system or to any sanitary sewer connected to or flowing into said system.

('79 Code, § 3-123) (Ord. 78, passed - -, Ord. 190, passed - -) Penalty, see § 51.999

#### **§ 51.064 PERFORMANCE BOND.**

In those cases where the sewer connection is to be made to an existing wye, riser, slant or stubout, without in any way disturbing or cutting into the sewer main in the street, and no excavation under pavement is required, then the person applying for the permit need not post any bond as security for his or her faithful performance of the provisions of this chapter. In all cases where the sewer main will be cut or otherwise disturbed in any respect, or if there will be an excavation under any part of the pavement of the street, then the person applying for the permit shall first obtain an occupation license and comply with all provisions of said licensing procedure to include any bonding requirements, conditioned upon the person's making the connection in conformity with the provisions of this chapter and in accordance with the sewer connection specifications of the city as approved by the City Council of the city of La Vista. The permit holder shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

('79 Code, § 3-124) (Ord. 78, passed - -; Ord. 199, passed - -)

#### **§ 51.065 SINGLE PREMISES.**

A separate and independent building sewer shall be provided for every building; except where the building has been constructed for the sole purpose of storage and not in compliance with the standards for a habitable residential dwelling and except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will

not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

('79 Code, § 3-125)

#### **§ 51.066 USE OF EXISTING SEWERS.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

('79 Code, § 3-126) Penalty, see § 51.999

#### **§ 51.067 UNLAWFUL CONNECTION.**

No person shall make connection of roof down spouts, interior and exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Inspector for purposes of disposal of polluted surface drainage; provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

('79 Code, § 3-127) Penalty, see § 51.999

#### **§ 51.068 INSPECTIONS.**

(A) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Inspector or his or her representative.

(B) The entire connection of the main sewer in the street to the building shall be inspected before any part of it is covered, and a certificate approving the work shall be issued by the Inspector of the city if he or she finds same to be in conformity with the requirements of this chapter and the sewer connection specifications of the city. Failure to obtain such inspection and certificate shall be deemed sufficient cause for the uncovering and removal of the entire sewer connection line. The permittee shall notify the Inspector when his or her work is ready for inspection, and the Inspector shall, within eight hours thereafter, make the necessary inspection. The Inspector shall immediately revoke all permits where the work is not being performed in strict conformity with the provisions of this chapter or is being performed in violation of any other section of this code.

('79 Code, § 3-128)

**§ 51.069 EXCAVATIONS.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. ('79 Code, § 3-129) Penalty, see § 51.999

**§ 51.070 APPEALS, HEARING.**

Any person aggrieved by the issuance or denial by the City Clerk or by the cancellation by the City Inspector of any permit herein above provided for may appeal from such issuance, denial, or cancellation, to the City Council, by filing with the City Clerk a notice of appeal and payment to the Clerk of a fee, the amount of which shall be set from time to time by the Mayor and City Council, a current record of which shall be maintained by the City Clerk and which the City Clerk shall pay to the General Fund of the city. The Clerk, at least five days prior thereto, shall notify the appealing party of the date his or her appeal is to be heard. At such hearing, the City Council shall rehear the application, make such investigation and hear such witnesses they determine necessary and make a final determination in the matter. ('79 Code, § 3-130) (Ord. 78, passed - -)

***REQUIREMENTS AND PROHIBITIONS*****§ 51.080 REPAIRS AND REPLACEMENT.**

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

(B) The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Public Works Director may cause such work to be done and assess the cost upon the property served by such connection. (Neb. RS 18-1748) ('79 Code, § 3-147) (Ord. 376, passed 1-15-85) Penalty, see § 51.999



**§ 51.081 METERS REQUIRED; WHEN.**

Whenever a sewer service user obtains all or a part of its water service from any source other than the Metropolitan Utilities District (M.U.D.), it shall report the name and address of such privately-owned and operated supply source to the city and shall, at its own cost and expense, provide meter facilities satisfactory to the city for determining the volume of water obtained from such privately-owned and operated supply source, so that based thereon, the proper sewer service charge may be so that based thereon, the proper sewer service charge may be levied in accordance with § 51.015 of this chapter, provided, however, that sewer service users may, at their option and expense and with the approval of the city, install sewage meters to measure all sewage discharged into the sanitary, combination, or storm sewers. The rates specified in § 51.015 of this chapter shall apply equally to sewage meters.

('79 Code, § 3-109) (Ord. 190, passed - -)

**§ 51.082 PROHIBITED DISCHARGES; STORM WATER, SURFACE WATER, GROUND WATER, COOLING WATER, AND PROCESS WATER.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Inspector. Industrial cooling water or unpolluted process water may be discharged, on approval of the Inspector, to a storm sewer, combined sewer or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the city for such costs. The costs shall be determined by the Inspector with the approval of the City Council.

('79 Code, § 3-132) Penalty, see § 51.999

**§ 51.083 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, engine oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including, but not limited to cyanides in excess of

two mg/l as CN in the wastes discharged to the public sewer.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.

(E) Any waters or wastes having:

- (1) A five day BOD greater than 300 parts per million by weight or,
- (2) Containing more than 350 parts per million by weight of suspended solids, or
- (3) Having an average daily flow greater than 2% of the average sewage flow of the city, or
- (4) A chlorine requirement greater than demanded by normal sewage as evaluated by the city's consulting engineer shall be subject to the review of the Inspector.

(F) Where necessary in the opinion of the Inspector, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to:

- (1) Reduce the biochemical oxygen demand to 300 parts per million by weight, or
- (2) Reduce the suspended solids to 350 parts per million by weight, or
- (3) Control the quantities and rates of discharge of such waters or wastes, or
- (4) Reduce the chlorine requirement to conform with normal sewage.

(G) Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Inspector, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(H) No paint of any type can be placed in the storm sewer systems.  
(‘79 Code, § 3-133) Penalty, see § 51.999

**§ 51.084 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY INSPECTOR.**

(A) No person shall discharge or cause to be discharged the following described substances,

materials, waters or wastes if it appears likely in the opinion of the Inspector that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors.

(B) The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150°F (65°C).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0° and 65°C).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector.
- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
- (5) Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Inspector for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Inspector in compliance with applicable state or federal regulations.
- (8) Any waters of wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride or sodium sulfate).

(b) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(‘79 Code, § 3-134) Penalty, see § 51.999

**§ 51.085 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.084, and which, in the judgment of the Inspector, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life to constitute a public nuisance, the Inspector may:

(1) Reject the wastes,

(2) Require pretreatment to an acceptable condition for discharge to the public sewers,

(3) Require control over the quantities and rates of discharge, and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.020.

(B) If the Inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Inspector and subject to the requirements of all applicable codes, ordinances and laws.

(‘79 Code, § 3-135)

**§ 51.086 GREASE, OIL, AND SAND INTERCEPTORS; WHEN REQUIRED.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection. ('79 Code, § 3-136) Penalty, see § 51.99

**§ 51.087 PRELIMINARY TREATMENT OF FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. ('79 Code, § 3-137)

**§ 51.088 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED, INSTALLATION, MAINTENANCE AND METHOD.**

(A) When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. ('79 Code, § 3-138)

(B) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pH's are determined from periodic grab samples.) ('79 Code, § 3-139) Penalty, see § 51.999

**§ 51.089 STORM SEWER AND SANITARY SEWER SUPPLY SYSTEM.**

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the storm water or wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.  
(‘79 Code, § 3-140) Penalty, see § 51.999

***ADMINISTRATION AND ENFORCEMENT*****§ 51.100 INSPECTIONS GENERALLY.**

The Inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing the system in accordance with the provisions of this chapter.  
(‘79 Code, § 3-141)

**§ 51.101 CITY POWERS.**

The city has the legal authority to enforce its system of user charges, industrial cost recovery charge and sewer use regulations on all existing or future users of the system whether located inside or outside the city limits.  
(‘79 Code, § 3-144)

**§ 51.102 DISTORTION IN USE FEE CAUSED BY UNUSUAL WATER CONDITIONS;  
REFUND.**

(A) In the event the City Council shall determine: (a) that in a particular winter, one or more of the four months designated by § 51.015 as the months used in determining average monthly water consumption for the purposes of computing user charges were both abnormally dry and warm; and (b) that as a result thereof, residents watered their lawns and/or shrubberies during such four month period to a considerably greater extent than normal for the corresponding four month period in prior years, then, in such event, the City Council may by resolution provide for an adjustment and/or refund of all or part of the sewer use fee charges attributable to water consumption reasonably estimated to be attributable to abnormal lawn watering during such four month period, both as to the four month period itself, as well as to the ensuing eight month period for which the four month base period constitutes the assumed water usage for sewer use fee purposes.

(B) The Council shall establish appropriate procedures by which payers of sewer use fees may prove abnormal watering of lawns and/or shrubberies due to such unusual winter climatic conditions. Such procedure shall be the exclusive method of obtaining an adjustment or refund by reasons of abnormal winter usage and shall be applicable only in respect to usage during those months during which the City Council shall have determined the requisite conditions existed. Claims for refund made in accordance with said procedures and satisfactorily proven may be paid as a refund or be adjusted as a credit against future sewer use fee charges as the City Council shall determine. All refunds and adjustments shall be approved by the City Administrator. All refunds shall be charged to the Sewer Revenue Fund.

('79 Code, § 3-145) (Ord. 281, passed 3-17-81)

**§ 51.103 DISTORTION OF WATER USAGE IN RESIDENTIAL HOUSEHOLDS;  
ADJUSTMENT OF SEWER BILL, AVERAGE COMPUTATION BASED THEREON.**

(A) In the event that a citizen shall lodge a complaint with the city pertaining to the amount of measured water usage for their residence during any of the months of December through March inclusive; and if such citizen shall allege that the amount of water usage is significantly in excess of the customary amount of water usage for the same month from the prior year; and furthermore, if said citizen shall charge that such excess of customary usage is due to circumstances not covered in § 51.102 of the city code; the office of the City Administrator shall have the authority to investigate the complaint and to determine to the satisfaction of the City Administrator's office the justness of the citizens complaint.

(B) If the office of the City Administrator shall determine that the cause of the significant excess of customary usage is reasonably beyond the control of the property owner or resident, the office of the City Administrator shall have the authority to notify the Metropolitan Utilities District of the problem and to direct them to use the same month or months reading for the month or months disputed, from the immediate prior year in the computing of the citizens average sewer bill for the remaining eight months of the billing year.

(C) In no event shall a citizen seeking an adjustment of their water bill, under this section, be granted a credit or any other form of refund on the billing of the disputed month or months.

('79 Code, § 3-146) (Ord. 302, passed 4-20-82)

**§ 51.998 VIOLATIONS; NOTICE AND LIABILITY.**

(A) Any person found to be violating any provision of this chapter, except § 51.089, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(C) If the Mayor or City Administrator determines that any violation of this chapter presents an immediate risk of serious harm to persons, property, or the environment, the city may take immediate, reasonable measures to attempt to reduce or abate the risk, including but not limited to entering upon any lot or land or into any building or structure thereon, provided, however, that, in the event there is no immediate risk of serious harm, the city shall proceed in accordance with division (A) above. ('79 Code, § 3-142) Penalty, see § 51.999

#### **§ 51.999 PENALTY.**

Any person who shall continue any violation beyond the time limit provided in § 51.998(A) shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$500 for each violation, or imprisoned for any length of time not to exceed 30 days, or both, in the discretion of the court. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

('79 Code, § 3-143) (Ord. 199, passed - -)



Section

*Gas Rate Increase Procedure*  
**CHAPTER 52: NATURAL GAS**

- 52.01 Regulatory authority
- 52.02 Rate schedules
- 52.03 Refund
- 52.04 Other rate changes
- 52.05 Information to be provided
- 52.06 Notice of application
- 52.07 Providing of general information
- 52.08 Validity of rate increase procedure

***GAS RATE INCREASE PROCEDURE***

**§ 52.01 REGULATORY AUTHORITY.**

A franchisee shall at all times be subject to:

(A) All rights, powers, and authority now or hereafter possessed by the city to regulate, control, and direct the rates and tariffs charged for natural gas service in the city;

(B) The Municipal Gas Regulation Act, Neb. RS 19-4601 et seq., and any other applicable laws, rules, or regulations, as amended from time to time; and

(C) Any validly executed franchise agreement between the city and the franchisee not inconsistent with divisions (A) or (B).  
(‘79 Code, § 10-1001)

***Cross-reference:***

*Franchise granting to People’s Natural Gas, the right, permission, and authority to lay, maintain, and operate a gas transmission and distribution system within the city, see Ord. 651, passed 6-4-96, as listed in the Table of Special Ordinances*

**§ 52.02 RATE SCHEDULES.**

The franchisee shall provide to the city, for informational purposes, copies of all rate schedules and contracts for all rates charged and the requirements for service under such schedule within the city. They should also show separately the base rate and the Purchased Gas Adjustment (PGA) rate. The base rate shall exclude all gas supply costs and gas supply cost adjustments. Gas supply costs and gas supply cost adjustments shall be collected solely through the PGA rate.  
(‘79 Code, § 10-1002)

**§ 52.03 REFUND.**

Any refund, including interest thereon, if any, received by the franchisee from its supplier related to increased rates paid by the franchisee subject to refund and applicable to natural gas purchased for resale within the city shall be passed on to presently served customers by an appropriate adjustment shown as a credit on subsequent bills during a period selected by the franchisee, not to exceed 12 months, or by a cash refund at the franchisee's option or by such other method as may be established by ordinance.  
(‘79 Code, § 10-1003)

**§ 52.04 OTHER RATE CHANGES.**

(A) In the event the franchisee desires to change its rates for natural gas service within the city other than to reflect an adjustment for the cost of purchased gas, the franchisee will present to the city copies of present and proposed rate schedules and information supporting the proposed rates to be charged for natural gas service within the city. The rate schedules and information submitted with the rate schedules shall be referred to as the rate filing. Any such rate filing shall be deemed filed upon receipt of the same by the City Clerk. A filing fee in the amount of \$1,000 dollars shall be paid to the city with the rate filing. Such fee will be considered as an operating cost of the franchisee and shall not be separately itemized on any customer billings.

(B) The City Council shall have the right to select and engage rate consultants, accountants, auditors, attorneys, engineers and other experts as deemed necessarily desirable to advise and represent the City Council in evaluating any proposed rate change. The franchisee shall reimburse the city within 90 days of the presentation of the bill by the city for the reasonable costs of those services only to the extent that said costs exceed the filing fee for the rate filing.

(C) (1) The rates proposed to be changed for noncontract firm natural gas service within the city shall be based upon the utility's cost of providing service to the city or the representative costs in that part of the utility's service area which includes the city. The period for which the cost of service is to be recognized is to be a projected 12 month period commencing not later than the proposed effective date of the increase.

(2) The cost of service shall be determined in a manner consistent with regulated public utility practices and shall include:

(a) Appropriate costs as defined and set forth in the Federal Energy Regulatory Commission Uniform System of Accounts Prescribed for Natural Gas Companies FERC Accounts, and

(b) A reasonable return on the utility's rate base as determined by the City Council.

(D) In determining a reasonable return, a rate (percentage) shall be employed that is representative of the cost of debt, preferred stock and common equity capital. The rate base shall consist of the applicable net investment in utility plant (as defined in the FERC Accounts), allowance for working capital and such other items as may reasonably be included; less such investment as may, unless otherwise prevented by law, be attributed to other than investor capital.

(E) The franchisee's appropriate costs and items of rate base shall include allocated or apportioned expenses and rate base items, when such allocations or apportionments are reasonably representative of assigned common costs and arise from the manner in which the franchisee's operations are conducted or from an avoidance of excessive and costly financial record keeping.

(F) Rate filings, not including changes reflecting the cost of gas, shall be limited to a maximum of one in any 12 calendar month period. Proposed rate increases, other than increases in pass-through gas supply costs, shall not take effect until the proposed rate increase has been approved or finally determined.

('79 Code, § 10-1004)

#### **§ 52.05 INFORMATION TO BE PROVIDED.**

(A) The franchisee shall provide, in its rate filing, six copies of the most recent annual report to the stockholders and the completed and signed copies of the "Summary of Proposed Rate Change" sheets.

(B) In addition, six copies of the following information shall be provided by the franchisee, verified by a statement under oath by an officer of the utility:

(1) A description of the base year and test year.

(2) A financial summary showing aggregate amounts for rate base, operating revenues, operating expenses, rate of return for the base year and test year:

(a) Actual rates for the most recent calendar year preceding the date of submission.

(b) For the projected 12 month period using natural gas rates currently in effect.

- (c) For the projected 12 month period using the proposed natural gas rates.
- (2) Except as provided in Neb. RS 19-4613(2), rate-base schedules showing beginning and ending balances for the base year and test year of:
- (a) Utility plant and accumulated depreciation and amortization components showing the balances by functional account totals;
  - (b) Working capital showing the manner in which the components are calculated.
  - (c) Other rate base components; and
  - (d) Allocated rate-base components showing the manner in which the components are calculated.
- (3) Operating expense schedules for the base year and test year, showing:
- (a) Expenses by FERC accounts for the most recent calendar year including filing fees and occupation taxes paid to the city.
  - (b) Explanation and calculations of allocated amounts included in subdivision (B)(3)(a).
  - (c) Expenses by FERC accounts or their equivalent for the projected 12-month period.
  - (d) Explanation of methods employed to develop projected expenses.
  - (e) Explanations and calculation of allocated amounts included in subdivision (B)(3)(c).
- (4) Rate of return and cost of capital schedules showing long-term debt, preferred stock and common equity amounts, ratios, and percentage cost rates for the base year and test year, and long-term debt, preferred stock, and common equity amounts at the beginning and end of the base year and test year.
- (5) Operating revenue schedules, showing:
- (a) Number and classification of customers, volume of sales, and operating revenue by customer classes for the base year on an unadjusted basis; and
  - (b) Number and classification of customers, volume of sales, and operating revenue by customer classes for the test year on a normalized basis:
    - 1. Using current rates; and

2. Using proposed rates.  
(Neb. RS 19-4610)

(6) Informational schedules showing for the city as a whole:

(a) Cost of utility plant.

(b) Number of customers, volume of sales, and operating revenue by customer classes.

(7) Grantee shall clearly designate as part of its expenses all expenditures for charitable or civic contributions, for business gifts and entertainment, institutional, consumption inducing, and other advertising or public relations expenses and legislative-advocacy expenses. The city may not allow its costs or expenses for rate making purposes any of these expenditures which the city determines not to be in the public interest. The franchisee has the burden of showing these expenses are in the public interest.

(8) Such additional information as city may request.  
(Neb. RS 19-4610) ('79 Code, § 10-1005)

## § 52.06 NOTICE OF APPLICATION.

(A) The franchisee shall not make changes in its rates except by filing a rate filing prescribed with the City Clerk at least 90 days prior to the proposed effective date of the requested change. Notice of the filing shall be given by publication by placing a notice to the public of the proposed change in a newspaper having general circulation in the city. However, notwithstanding the above, instead of the publication of the newspaper notice contemplated above, the franchisee may provide notice to the public by mailing such notice by United States mail, postage prepaid, to the billing address of each directly affected customer, or by including the notice in such customer's bill in a conspicuous form. The notice must be in the following form:

### NOTICE OF RATE INCREASE

“The (name of the utility) proposes to increase your rates by (amount of total annual increase requested) dollars per year, which is an overall increase of (percentage of increase over all revenues during the applicable test year) per cent and is an increase in base rates of (percentage of increase over all revenues during the applicable test year which are not subject to escalation through some form of automatic adjustment clause) per cent. Further information may be obtained from (name and address of utility official) or the application on file with the City Clerk.”

(B) An affidavit signed by an official of the franchisee and describing the method of publication of the notice shall be filed with the City Clerk.  
(‘79 Code, § 10-1006)

#### **§ 52.07 PROVIDING OF GENERAL INFORMATION.**

The franchisee shall provide the city, at the request of the city, on a regular, continuing basis, within 30 days of publication, copies of documents, information and data listed below for the franchisee or its parent company as applicable:

(A) Annual report to stockholders.

(B) Quarterly report to stockholders.

(C) Securities and exchange commission form 10-K, as the same may be changed from time to time.

(D) Securities and exchange commission form 10-Q, as the same may be changed from time to time.

(E) Prospectus for debt securities to be issued.

(F) Prospectus for equity securities to be issued.

(G) Distribution system map of the city.  
(‘79 Code, § 10-1007)

#### **§ 52.08 VALIDITY OF RATE INCREASE PROCEDURE.**

If any section, subsection, sentence, clause, phrase or portion of this rate increase procedure shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.  
(‘79 Code, § 10-1008)