

Chapter 3

DEPARTMENTS

Article 1. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref 17-531, 17-534, 19-1305 RS Neb.)*

§3-102 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT.

The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water 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 water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Water Department may hereafter adopt, the Utilities Superintendent or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of said Superintendent or his agent.

§3-103 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE; FEES FOR WATER TAPS.

The Municipality shall pay the cost of tapping the main and providing fixtures and labor up to and including the stop box at the lot line of the customer. No person other than the Utilities Superintendent or his duly authorized agent shall tap the water main. The customer shall pay a hook up charge of two hundred fifty

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(\$250.00) dollars at the time of filing the application for a water tap and shall further pay a tap fee of three hundred fifty (\$350.00) dollars for a tap of three-quarter (3/4") inch pipe, four hundred twenty-five (\$425.00) dollars for a tap of one (1") inch pipe, one thousand seven hundred fifty (\$1,750.00) dollars for a tap of one and one-half (1½") inch pipe and two thousand two hundred fifty (\$2,250.00) dollars for a tap of two (2") inch pipe. Provided that a tap for a three-quarter (3/4") inch pipe shall be deemed to be the minimum or base tap fee. The customer shall at his own expense bring water service from the stop box and upon his own premise and shall employ a plumber who shall install water service to the place of dispersement. A fee of nine (\$9.00) dollars per frontage foot will be assessed for water and a fee of nine (\$9.00) dollars per frontage foot will be assessed for sewer. In determining the total distance the width of the lot on which the water or sewer tap is applied for shall be added to the width of any adjacent lots lowed by the person or persons applying for the water or sewer tap and which have not had the water or sewer lines assessed to them. Non-residents shall pay such tap fees and installation charges in such sums as the Utilities Superintendent, pursuant to resolution of the Governing Body, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits, may be made by means of water extension districts. *(Amended by Ord. Nos. 536, 9/8/83; 714, 9/13/01; 734 8/5/04)*

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§3-104 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE. The Municipality shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent.

§3-105 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. *(Ref. 17-542 RS Neb.)*

§3-106 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable monthly at the office of the Municipal Clerk. It shall be the duty of the customers of the Water Department to present themselves monthly at the office of the Municipal Clerk to pay their bills in net cash. Bills shall be due on the first (1st) day of each month and shall be payable by the tenth (10th) of each month. Consumers paying bills after the tenth (10th) day of each month shall be required to pay the gross amount of the bill and no discount will be allowed. Bills not paid by the tenth (10th) day of each month shall also be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven (7) days after the sending of said notice, it shall be discretionary with the Superintendent to cut off service at any time; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the Municipal Clerk to notify the customer and the County Welfare Department by certified mail of the proposed termination. The Utilities Superintendent shall assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that water is shut off for the nonpayment of any water bill, to compensate the Municipality for the additional hook-up necessary to again provide water service to the delinquent customer. *(Ref. 17-542, 18-416 RS Neb.)(Amended by Ord. No. 447, 11/3/77)*

§3-107 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Utilities Superintendent on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. *(Ref. 17-538 RS Neb.)*

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§3-108 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. *(Ref. 17-537 RS Neb.)*

§3-109 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. *(Ref. 17-537 RS Neb.)*

§3-110 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS. All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

§3-111 MUNICIPAL WATER DEPARTMENT; POLLUTION. It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. *(Ref. 17-536 RS Neb.)*

§3-112 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Utilities Superintendent.

§3-113 MUNICIPAL WATER DEPARTMENT; BONDED PLUMBER. It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks, or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipefitter shall have first deposited a bond in the amount and style as required by the Governing Body with the Municipality. All plumbing shall be done in the manner required by the Utilities Superintendent. The said bonded plumber shall be at all times subject to the inspection and approval of the Utilities Superintendent and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. *(Ref. 17-537 RS Neb.)*

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§3-114 MUNICIPAL WATER DEPARTMENT; COMPLAINTS. *(Repealed by Ord. No. 499, 5/8/80)*

§3-115 MUNICIPAL WATER DEPARTMENT; RECONNECT FEE. In the event that the municipal water user should request the City to reconnect water service after being disconnected for any reason, the requesting party shall pay the City the sum of twenty-five (\$25.00) dollars as a reconnect fee. *(Ord. No. 569, 3/6/86)*

§3-116 MUNICIPAL WATER DEPARTMENT; BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

- A. Solders and flux - not more than two-tenths (.2%) percent lead, and
 - B. Pipe and pipe fittings - not more than eight (8%) percent lead.
- (Ref. 71-5301 RS Neb.) (Ord. No. 598, 5/12/88)*

§3-117 MUNICIPAL WATER DEPARTMENT; DEPOSIT. The following shall be the base water deposit:

<u>Residential</u>	
Renter	\$5.00
<u>Commercial</u>	
Renter	\$5.00

In the event that the water service is disconnected by the City because of non-payment of the utility bill, the deposit shall be applied towards the unpaid bill and prior to re-connecting the service, the unpaid bill shall be paid in full along with the re-connect fee and the person requesting the re-connection shall deposit with the City an amount equal to double the deposit held by the City prior to the disconnection. *(Ord. No. 613, 5/9/91)*

§3-118 MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT. *(Repealed by Ord No. 691, 1/7/99)*

§3-119 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; STATEMENT OF POLICY.

- (1) Purpose: The purpose of sections 3-119 through 3-131 is:
 - (a) To protect the public potable water supply of the City water system from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
 - (b) To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial process systems.

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(c) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

(2) Sections 3-119 through 3-131 shall apply to all premises served by the public potable water system of the City.

(3) The Municipal Water Department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The consumer is responsible for preventing contamination of the water system within consumer's own premises. (*Ord. No. 691, 1/7/99*)

§3-120 MUNICIPAL WATER DEPARTMENT; BACKFLOW / BACKSIPHONAGE PREVENTION; DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of sections 3-119 through 3-131.

AIR GAP SEPARATION; The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.

APPROVED TESTER; A person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the City.

AUTHORIZED REPRESENTATIVE; Any person designated by the City to administer sections 3-119 through 3-131. Unless otherwise specified, the City Superintendent of Utilities shall be the authorized representative.

AUXILIARY WATER SUPPLY; Any water source system, other than the public water supply, that may be available in the building or premises.

BACKFLOW; The flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

BACKSIPHONAGE; The flowing back of water, or other foreign liquids, gases, or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

BACKFLOW PREVENTION DEVICE; Any device, method, or type of construction intended to prevent backflow into a potable water system provided backflow preventers have been tested and approved by a reputable testing laboratory.

CONSUMER; The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT; Protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.

CONTAMINATION; An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS CONNECTION; Any physical link, between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF; An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

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Hazard-Health: Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

Hazard-Plumbing: A plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

Hazard-Pollutional: An actual or potential threat to the physical properties of the water system or to the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

Hazard-System: An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

ISOLATION; Protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

POLLUTION; The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM; Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

SERVICE CONNECTION; The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the down stream end of the meter.

WATER DEPARTMENT; The Municipal Water Department of the City of Bridgeport, Nebraska. (*Ord. No. 691, 1/7/99*)

§3-121 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED.

(1) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist, unless such actual or potential cross connections are abated or controlled to the satisfaction of the City or its authorized representative.

(2) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

(3) No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety. (*Ord. No. 691, 1/7/99*)

§3-122 MUNICIPAL WATER DEPARTMENT; BACKFLOW BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATIONS.

(1) The consumer's premises shall be open at all reasonable times to the City or its authorized representative, for surveys and investigations of water use practices within the consumer's premises to

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determine whether there are actual or potential cross connections in the consumer's water system.

(2) On request by the City or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.

(3) On request by the City or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the City or its authorized representative. (*Ord. No. 691, 1/7/99*)

§3-123 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED.

(1) An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the City or its authorized representative a health, plumbing, pollution or system hazard exists.

(2) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal Water Department, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

(a) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the City, or its authorized representative and the Nebraska Department of Health.

(b) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(c) Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

(d) Premises having a repeated history of cross connections being established or re-established.

(e) Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(f) Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(g) Premises where toxic or hazardous materials are handled.

(3) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the City or its authorized representative or the Nebraska Department of Health to protect the public water supply and must be installed at these

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facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the City, its authorized representative and the Nebraska Department of Health:

- (a) Agricultural chemical facilities;
- (b) Auxiliary water systems, wells;
- (c) Premises having water recirculating systems as used for boilers or cooling systems;
- (d) Bulk water loading facilities;
- (e) Car washes, automobile servicing facilities;
- (f) Feedlots;
- (g) Fire protection systems;
- (h) Hazardous waste storage and disposal sites;
- (i) Outdoor faucets, irrigation and lawn sprinkler systems;
- (j) Laundries and dry cleaning;
- (k) Petroleum processing or storage plants;
- (l) Beauty salons;
- (m) Schools;
- (n) Sewage pumping stations;
- (o) Other commercial or industrial facilities which may constitute potential cross connections. (*Ord. No. 691, 1/7/99*)

§3-124 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED. The type of protection required by sections 3-119 through 3-131 shall depend on the degree of hazard which exists, as follows:

- (1) An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
- (3) An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances what could cause a polluttional hazard not dangerous to health. (*Ord. No. 691, 1/7/99*)

§3-125 MUNICIPAL WATER DEPARTMENT; BACKFLOW BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES. Any backflow prevention device required by sections 3-119 through 3-131 shall be of a model or construction approved by the City or its authorized representative and the Nebraska Department of Health.

- (1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe measured vertically above the top rim of the vessel, but in no case less than one inch (1").
 - (2) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed prior to the time sections 3-119 through 3-131 were passed and complies with required inspection and maintenance. (*Ord. No. 691, 1/7/99*)
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§3-126 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION.

(1) Backflow prevention devices required by sections 3-119 through 3-131 shall be installed at a location and in a manner approved by the City or its authorized agent. All devices shall be installed at the expense of the consumer.

(2) Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed), or the corporation stop, as close to the meter as is reasonably practical, and prior to any other connection.

(3) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

(4) The City or its authorized representative shall install backflow prevention devices on all outdoor faucets at the cost of the consumer. (*Ord. No. 691, 1/7/99*)

§3-127 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING.

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City or its authorized representative. Actual testing shall be at the expense of the City. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City. If testing shall require entry into the premises, the City's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance by first class mail, return receipt requested, or by personal contact. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the City's authorized representative to arrange another date and time. (*Ord. No. 691, 1/7/99*)

§3-128 MUNICIPAL WATER DEPARTMENT; BACKFLOW BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE; AUTHORITY.

The authorized representative shall have the authority to issue any order consistent with the provisions of sections 3-119 through 3-131 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements, and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by certified mail, return receipt requested. (*Ord.No. 691, 1/7/99*)

§3-129 MUNICIPAL WATER DEPARTMENT; BACKFLOW BACKSIPHONAGE PREVENTION; APPEALS.

(1) In the event that it is claimed that the true intent and meaning of sections 3-119 through 3-131 has been wrongfully interpreted by the authorized representative; the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by sections 3-119 through 3-131, the owner may file a written notice of appeal with the City Clerk within ten (10) days after the decision or order of the authorized representative has been made. The Mayor and City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the

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decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

(2) Appeals shall be in writing and shall state the reason for the appeal. (*Ord. No. 691, 1/7/99*)

§3-130 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATION; PENALTIES.

(1) The City or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by sections 3-119 through 3-131 is not installed, tested, and maintained in a manner acceptable to the City or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

(2) Water service to such premises shall not be restored until the consumer is in compliance with sections 3-119 through 3-131 to the satisfaction of the City or its authorized representative.

(3) Noncompliance by the consumer with sections 3-119 through 3-131 or orders issued under these sections shall constitute an infraction under this Municipal Code and subject the consumer to the penalties set forth herein. (*Ord. No. 691, 1/7/99*)

§3-131 MUNICIPAL WATER DEPARTMENT; BACKFLOW BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS.

The authorized representative shall be relieved from personal liability. The City shall hold harmless the authorized representative when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act or omission of the authorized representative in the discharge of his duties hereunder. (*Ord. No. 691, 1/7/99*)

§3-132 MUNICIPAL WATER DEPARTMENT; BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION, MAINTENANCE AND TESTING.

(1) A cross connection control officer shall be appointed by the City Council to oversee the enforcement of this section. This person shall be responsible for reviewing the surveys submitted by the customers of the municipal water department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, "Regulations Governing Public Water Supply Systems".

(2) All customers of the municipal water department shall be required to report to the cross connection control officer any potential cross connections which may be on their premises. This report shall be made at least every five (5) years.

(3) A customer or the municipal water department may be required by the cross connection control officer to install and maintain a properly located backflow prevention device at the customer's expense appropriate to the potential hazard as set forth in title 179 NAC 2, "Regulations Governing Public Water Supply Systems" and approved by the cross connection control officer.

(a) The customer shall make application to the cross connection control officer to install a required back flow prevention device on a form provided by the municipality. The application shall contain at a minimum the name and address of the

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applicant, the type of backflow prevention device to be installed, including make and model number, and the location of the proposed installation.

(b) The cross connection control officer shall approve or disapprove the application based on whether such installation will protect the municipal water distribution system from potential backflow and backsiphonage hazards.

(c) When a testable back flow prevention device shall be required, the customer shall also certify to the municipality at least one (1) time annually that the back flow prevention device has been tested by a Nebraska Health and Human Services System Grad VI certified water operator. Such certification shall be made on a form in available at the office of the Municipal Clerk.

(d) Any decision of the cross connection control officer may be appealed to the City Council of the city, whose decision shall be final.

(4) Any customer refusing to report on possible cross connections on their premises, refusing to install the necessary backflow prevention device, or failing to have a testable backflow prevention device tested at least annually shall be in violation of this section and may have their water service discontinued. Any customer who has had their service discontinued for violation of the section shall be subject to a one hundred dollar (\$100) reconnect fee to have the service reinstated after supplying proof that the potential cross connection has been eliminated or properly protected. (*Ord. No. 740, 2/10/05*)

§3-133 ADOPTION OF DROUGHT EMERGENCY CONTINGENCY PLAN.

The city shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be greater deterioration in water supply conditions. The Mayor is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The Mayor is given discretion to declare each particular stage as deemed appropriate by the Mayor by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

A. Stage one: water watch.

1. This stage is triggered by any one of the following conditions:
 - a. Ground water levels have fallen five (5) feet below normal seasonal levels.
 - b. System pressure falls below thirty-five (35) pounds per square inch.
2. Goals. The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.
3. Management actions.
 - a. Leaks will be repaired within forty-eight (48) hours of detection.
 - b. The city will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

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4. Regulation actions. The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets, to prevent any unnecessary use of water.
- B. Stage two: water warning.
1. This stage is triggered by any one of the following conditions:
 - a. Ground water levels have fallen ten (10) feet below normal seasonal levels.
 - b. System pressure falls below thirty-five (35) pounds per square inch.
 - c. Plant operations are at eight percent (80%) capacity for more than three consecutive days.
 2. Goals. The goals of this stage are to reduce peak demands by twenty percent (20%) and to reduce overall weekly consumption by ten percent (10%).
 3. Management actions.
 - a. Water supply will be monitored daily.
 - b. Leaks will be repaired within twenty-four (24) hours of detection.
 - c. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
 - d. City will curtail its water usage, including watering of city grounds and washing of vehicles.
 4. Regulation actions. In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the Mayor:
 - a. An odd/even lawn watering system will be imposed on city residents. Residents with odd-numbered houses will water on odd days, even-numbered houses, on even days.
 - b. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m.
 - c. Refilling of swimming pools will be limited to one day a week after sunset.
 - d. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
 - e. Waste of water will be prohibited.
- C. Stage three: water emergency.
1. This stage is triggered by any one of the following conditions:
 - a. Ground water levels have fallen fifteen (15) feet below normal seasonal levels.
 - b. System pressure falls below thirty-five (35) pounds per square inch.

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- c. Pumping lowers water levels to within five feet of the top of the well screens.
 - d. Plant operations are at ninety percent (90%) capacity for more that three consecutive days.
 2. Goals. The goals of this stage are to reduce peak demands by 50% and to reduce overall consumption by twenty-five percent (25%).
 3. Education actions.
 - a. The city will make news releases to local media describing current conditions and indicate the water supply outlook for the city.
 - b. The city will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.
 3. Management actions.
 - a. The city water supplies will be monitored daily.
 - b. Leaks will be repaired within twenty-four (24) hours of detection.
 - c. Standby wells will be activated for contingency operation.
 - d. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
 - e. City will seek additional emergency supplies from other users, the state or federal government.
 4. Regulation actions. In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the Mayor:
 - a. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
 - b. Waste of water will be prohibited.
 5. Enforcement. In the event that any water consumer fails to comply with the regulatory action taken by the city then the Mayor may direct the immediate discontinuation of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the Mayor being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed. (*Ord. No. 751, 6/8/06*)

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Article 2. Sewer Department

§3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the management and maintenance of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. *(Ref. 17-149, 17-925.01 RS Neb.)*

§3-202 MUNICIPAL SEWER DEPARTMENT; 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 Article, 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 said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the Superintendent or his agent.

§3-203 MUNICIPAL SEWER DEPARTMENT; MANDATORY HOOK-UP.

Upon written notice by the Utilities Superintendent the property owner, occupant, or lessee of any premise within three hundred (300) feet of any sewer main shall without delay cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its construction. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period of ten (10) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality, to make such connection, the Governing Body shall have the power to cause the same to be done, together with the fees prescribed by Section 3-206.01 against the property, and 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. *(Ref. 17-149, 17-149.01 RS Neb.) (Amended by Ord. No. 513, 6/15/81)*

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§3-204 MUNICIPAL SEWER DEPARTMENT; DIRECT CONNECTIONS. Each and every building must make a direct connection with the main sewer line. Under no circumstances will two (2) or more houses be allowed to make such connections through one (1) pipe.

§3-205 MUNICIPAL SEWER DEPARTMENT; 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 twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require two (2) inspections by the Utilities Superintendent. The first (1st) inspection shall be made when connections or repairs are complete and before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed and the service restored. It is the customers responsibility to notify the Utilities Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; Provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

§3-206 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE. The customer, upon approval of his application for sewer service, shall pay to the Utilities Superintendent a tap fee which shall compensate the Municipality for the expense of processing his application. The Utilities Superintendent, in his discretion, may direct the customer to hire a bonded plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a bonded plumber and shall pay all other costs of installation.

§3-206.01 MUNICIPAL SEWER DEPARTMENT; SEWER TAP PERMIT; FEE. Before a sewer tap or water tap permit shall issue, the owner of the premises from which the connection is to be made shall pay to the City Clerk a fee as provided in Section 3-206 of the Municipal Code. If the premises abut a street or alley in which the sewer line or water line is situated; the premises have not been included within a district, if any, created for the purpose of construction of the sewer or water line; no part of the cost of construction of the sewer line or the water line has been paid by the owner or previous owners, as such, of the premises (otherwise than, possibly by furnishing the right-of-way or by payment of general taxes or sewer or water service charges); and such cost, or a part thereof, has been paid by the City, no permit to tap such sewer or water line shall issue until the owner of the premises shall pay to the City Clerk or make arrangement for payment of such fees by agreement with the City, in addition, a fee in an amount equal to nine (\$9.00) dollars per each running foot of the premises abutting the street or alley,

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or part thereof, in which the sewer is situated, and a fee in an amount of nine (\$9.00) dollars per each running foot of the premises abutting the street or alley, or party thereof, in which a sewer tap or water tap is issued as well as all other premises owned by the applicant abutting the street or alley or part thereof in which the sewer line or water line is situated. Such amounts shall be placed in the sewer or water fund of the City and shall not be subject to refund. (*Ord. No. 512, 6/15/81*) (*Amended by Ord. Nos. 535, 8/11/83; 555, 2/7/85; 734, 8/5/04*)

§3-207 MUNICIPAL SEWER DEPARTMENT; 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.

§3-208 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION. The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; Provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (*Ref. 17-925.02 RS Neb.*)

§3-209 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. Customers of the Municipal Sewer Department shall be charged a flat rate for the use of sewer service. Rates shall be set by ordinance and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time.

§3-210 MUNICIPAL SEWER DEPARTMENT; BILLING AND PAYMENT. All users shall be billed monthly in advance. Bills not paid within the month due shall be considered delinquent, and the City may disconnect the water and/or sewer service within seven (7) days after "shut-off" notice.

The City will deliver by hand or registered mail to the user a shut-off notice; said shutoff notice will require the bill be paid within seven (7) days of the time of service of the notice. If neither the owner nor the occupant can be located for personal service, it shall be lawful to attach the said notice to the front door. Until paid, all rates, tolls, fees and charges shall constitute a first and perpetual lien on or against the property served, and any such lien may be foreclosed in the manner provided by the Act under which the City was formed.

All users shall be billed monthly. Billings for any particular month shall be made within thirty (30) days after the end of that month. Payments are due when the billings are made. Any payment not received within thirty (30) days after the billing is made shall be delinquent.

A late payment penalty of ten (10%) percent of the user charge bill will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is thirty (30) days in default, rendition of water and or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

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The City will review the user charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works. *(Amended by Ord. Nos. 543, 11/10/83; 547, 3/8/84)*

§3-211 MUNICIPAL SEWER DEPARTMENT; OLD HOUSE SEWERS. Old house sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the Utilities Superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, he shall notify the owner to make the necessary changes to conform with the provisions of the Municipal Code.

§3-212 MUNICIPAL SEWER DEPARTMENT; PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

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 Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. *(Amended by Ord. No. 544, 11/10/83)*

§3-213 MUNICIPAL SEWER DEPARTMENT; SPECIAL EQUIPMENT. In the event a customer of the Municipal Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand the chief sewer official may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe subject to the review of the Governing Body. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Governing Body and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other charges.

§3-214 MUNICIPAL SEWER DEPARTMENT; MANHOLES. Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the Sewer System any substance which is not the usual and natural waste carried by the Sewer System.

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§3-215 MUNICIPAL SEWER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of sewer rent. It shall be the duty of the Utilities Superintendent on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for sewer service together with a description of the premise served. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. *(Ref. 17-925.01 RS Neb.)*

§3-216 MUNICIPAL SEWER DEPARTMENT; COMPLAINTS. *(Repealed by Ord. No. 499, 5/8/80)*

§3-217 MUNICIPAL SEWER DEPARTMENT; DEFINITION OF TERMS. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

"Building Drain" shall mean 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 (5') feet (1.5 meters) outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

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"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly Shredded Garbage" shall mean 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 one half (1/2) inch (1.27 centimeters) in any dimension.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewage" shall mean 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" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Shall" is mandatory; "May" is permissive.

"Slug" shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Storm Drain" (sometimes termed "Storm Sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Superintendent" shall mean the Superintendent of Sewage Works of the City of Bridgeport, or his authorized agent.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and are removable by filtering.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 250 mg/l.

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"Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Residential Contributor" shall mean any contributor to the City's Treatment Works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

"SS" (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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

"Useful Life" shall mean the estimated period during which a treatment works will be operated.

"User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

"Water Meter" shall mean a volume measuring and recording device, furnished and/or installed by the City of Bridgeport and furnished and/or installed by a user and approved by the City of Bridgeport. (*Ord. Nos. 543, 544, 11/10/83*)

§3-218 MUNICIPAL SEWER DEPARTMENT; OPERATION, MAINTENANCE AND REPLACEMENT FUND. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

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The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.

The City will review the charge system at least every two (2) years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs users and user classes.

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 3-219 shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:

- a. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
- b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the Replacement Account shall be made at least annually, the operation, maintenance and replacement revenue in the amount of \$1,250 annually.

Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were, borrowed. (*Ord. No. 543, 11/10/83*)(*Amended by Ord. No. 547, 3/8/84*)

§3-219 MUNICIPAL SEWER DEPARTMENT; RATES AND CHARGES; CLASSIFIED.

Sewer Service Charges - Basis for Charges: The following classes of users and charges to those users are hereby established, based on a flat rate shown following:

The Single Family Residential (SFR) classification and other SFR equivalent classifications shall be charged 50% of the water service charges. (*Amended by Ord. No. 597, 4/7/88; 744, 8/11/05*)

Residential (SFR) Single Family Classification Equivalent Units

<u>Classification</u>	<u>Equivalent</u>
A. Single-family residence; permanent trailer, townhouse/condominium unit, if billed individually.....	1.0
a. Home Occupation/business-/Add 0.5 if billed collectively.....	1.5
B. Multi-Family residential units; duplexes, apartments, Townhouses, when in one building and billed collectively:	
a. One bedroom apartment without kitchen.....	.25
b. Buffet apartment.....	.5
c. Up to and including 2 bedrooms and no more than 1-1/2 bathrooms.....	.6
d. 3 bedrooms and no more than 2 bathrooms.....	.8
e. 4 bedrooms and over, or more than 2 bathrooms.....	1.0
f. For each coin-operated washing machine5
g. Mobile home (trailer) in court.....	1.0
C. Transient rental units, hotels, motels, hospitals, nursing homes, rental units in residence. Basic fee includes manager's quarters...	1.0
a. Each additional rental room w/o cooking facilities.....	.3
b. Each additional rental room w/ cooking facilities.....	.4
c. Each coin-operated washing machine.....	.5
D. Bars, Restaurants	
a. For business with less than 25 seating capacity.....	1.0
b. For the second 25 seating capacity or part thereof.....	0.8
c. For each additional 25 seating capacity (after the first 50).....	0.6
E. Service stations w/o wash rack.....	1.5
Each additional wash rack.....	1.0
F. Commercial or public buildings such as stores, offices, warehouses and similar having no process water:	
a. Minimum for each building or customer up to 2,500 sq.ft./building area.....	1.0
b. For each additional 1,000 sq. ft. building area or part thereof..	0.6
c. Additional for each pair of public restrooms.....	0.4
G. Churches, non-profit organization halls (no residence or regular eating facilities).....	1.0
H. Schools, public or private	
Basic rate, per pupil capacity:	
0 -50.....	2.0
Each additional 50 students or fraction thereof.....	1.0

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Multiply above basic rate by 1.2 factor if school has gymnasium and showers
Multiply above basic rate by 1.2 if school has cafeteria

I. Hospitals and Nursing Homes per bed..... .25

J. Optional -Sewer Charges Upon Metered Water Service

Contributors using process water and/or users with an equivalent single family classification in excess of 2.5 may be required by the City or may at the customer's request have water meters installed.

Water and Sewer Use Charges shall be based upon water meter readings when a meter is required or requested; the charges shall be as follows:

Water Rates - Minimum equivalent Single Family Residence rate (currently \$22.00)

- a. First 10,000 gallons \$22.00
- b. Next 40,000 gallons \$0.50 per 1,000 gallons
- c. Over 50,000 gallons \$0.40 per 1,000 gallons

Sewer User Charges shall be based on the ratio of sewer to water charges for the Single Family Residence: (Currently for sewer 50% of the Flat Rate Water service charge.) (*Amended by Ord. No. 597, 4/7/88; 744, 8/11/05*)

The customer shall pay for the water meter, appurtenances and installation costs as follows:

- a. ¾ inch meter \$100
- b. 1 inch meter \$200
- c. 1½ inch meter \$450
- d. 2 inch meter \$600

- Charges assume installation within facility (no meter pit required)

If a contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense and in a manner acceptable to the City. (*Ord. No. 534, 8/11/83*) (*Amended by Ord. Nos. 543, 11/10/83; 597, 4/7/88*)

§3-220 MUNICIPAL SEWER DEPARTMENT; SURCHARGE; WHEN REQUIRED. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for

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such increased costs. The charge to each such user will be as determined by a responsible party and approved by the Board. *(Ord. No. 543, 11/10/83)*

§3-221 PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES.

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 of Bridgeport, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste. *(Ord. No. 544, 11/10/83)*

§3-222 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the City of Bridgeport, or in any area under the jurisdiction of said City, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article. *(Ord. No. 544, 11/10/83)*

§3-223 PUBLIC SEWERS REQUIRED; 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. *(Ord. No. 544, 11/10/83)*

§3-224 PUBLIC SEWERS REQUIRED; 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 of the City, is hereby required at his 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 Article within ninety (90) days after date of official notice to do so; Provided, that said public sewer is within one hundred (100') feet (30.5 meters) of the property line. *(Ord. No. 544, 11/10/83)*

§3-225 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE.

Where a public sanitary or combined sewer is not available under the provisions of Section 3-224, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. *(Ord. No. 544, 11/10/83)*

§3-226 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. 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 Superintendent. *(Ord. No. 544, 11/10/83)*

§3-227 PRIVATE SEWAGE DISPOSAL SYSTEM; 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 Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The

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inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. *(Ord. No. 544, 11/10/83)*

§3-228 PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health 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 one half (1/2) acre, (21,780 sq. ft.). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3-224, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with clean bankrun gravel or dirt. *(Ord. No. 544, 11/10/83)*

§3-229 PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality. *(Ord. No. 544, 11/10/83)*

§3-230 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt. *(Ord. No. 544, 11/10/83)*

§3-231 BUILDING SEWER INSTALLATION; PERMIT 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 Superintendent. *(Ord. No. 544, 11/10/83)*

§3-232 BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. *(Ord No. 544, 11/10/83)*

§3-233 BUILDING SEWER INSTALLATION; EXPENSE. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. *(Ord No. 544, 11/10/83)*

§3-234 BUILDING SEWER INSTALLATION; SINGLE PREMISE. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is

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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 (1) building sewer. (*Ord. No. 544, 11/10/83*)

§3-235 BUILDING SEWER INSTALLATION; 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 Superintendent, to meet all requirements of this Article. (*Ord. No. 544, 11/10/83*)

§3-236 BUILDING SEWER INSTALLATION; CONSTRUCTION CODES.

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 Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No.9 shall apply.

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.

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, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No.9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (*Ord. No. 544, 11/10/83*)

§3-237 BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION.

No person shall make connection of roof downspouts, 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. (*Ord No. 544, 11/10/83*)

§3-238 BUILDING SEWER INSTALLATION; INSPECTIONS.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. (*Ord No. 544, 11/10/83*)

§3-239 BUILDING SEWER INSTALLATION; 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 Municipality. (*Ord No. 544, 11/10/83*)

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§3-240 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:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. 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.
3. 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.
4. 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, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having:
 - a) a five (5) day BOD greater than 300 parts per million by weight or,
 - b) containing more than 350 parts per million by weight of suspended solids, or
 - c) having an average daily flow greater than two (2%) per cent of the average sewage flow of the Municipality, or

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- a) reduce the biochemical oxygen demand to 300 parts per million by weight, or
- b) reduce the suspended solids to 350 parts per million by weight, or
- c) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing. (*Ord. No. 544, 11/10/83*)

§3-241 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT. 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 Superintendent 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 opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction

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of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit (65° degrees C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) degrees and one hundred fifty (150°) degrees 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 (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any water 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 Superintendent 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 Superintendent 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 Superintendent 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.
(Ord No. 544, 11/10/83)

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§3-242 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE. 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 Section 3-241, and which in the judgment of the Superintendent, 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 Superintendent 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 Section 3-248.

If the Superintendent 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 Superintendent, and subject to the requirements of all applicable codes, ordinances and laws. (*Ord. No. 544, 11/10/83*)

§3-243 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (*Ord. No. 544, 11/10/83*)

§3-244 PRELIMINARY TREATMENT OR 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 expense. (*Ord. No. 544, 11/10/83*)

§3-245 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE. When required by the Superintendent, 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 Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (*Ord. No. 544, 11/10/83*)

§3-246 CONTROL MANHOLES/SAMPLING STATIONS; METHOD. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the

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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 twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.) *(Ord. No. 544, 11/10/83)*

§3-247 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY. 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 wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct. *(Ord. No. 544, 11/10/83)*

§3-248 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. *(Ord. No. 544, 11/10/83)*

§3-249 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY. The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. *(Ord. No. 544, 11/10/83)*

§3-250 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY. While performing the necessary work on private properties referred to in section 3-249 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City Employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 3-245. *(Ord. No. 544, 11/10/83)*

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§3-251 **COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS.** The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. *(Ord. No. 544, 11/10/83)*

§3-252 **VIOLATION; NOTICE AND LIABILITY.** Any person found to be violating any provision of this Article except section 3-247 shall be served by the Municipality 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. *(Ord. No. 544, 11/10/83)*

§3-253 **SEVERABILITY CLAUSE.** The invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid part or parts. *(Ord. No.544, 11/10/83)*

§3-254 **PENAL PROVISION; VIOLATION.** Any person who shall continue any violation beyond the time limit provided in section 3-252, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred (\$100.00) dollars for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense. *(Ord. No. 544, 11/10/83)*

§3-255 **MUNICIPAL SEWER DEPARTMENT; SEWAGE DISPOSAL; RATES.** Any person or entity desiring to dump sewage at the Bridgeport Lagoon owned by the City of Bridgeport, Nebraska shall first pay the City Clerk a dump fee, in advance, at the following rate, to-wit:

 \$5.00 for 500 or less gallons

 \$1.00 per hundred gallons for any excess over 500 gallons

(Ord. No. 639, 9/9/93)

Article 3. Fire Department

§3-301 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING.

The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. *(Ref. 17-147, 17-718, 17-953 RS Neb.)*

§3-302 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP.

The number of members in the Fire Department and the method of filling vacancies on said list shall be set forth in Bylaws created by the Bridgeport Fire Department and duly presented to and approved by the Council of the City of Bridgeport. Said members shall be considered to be employees of the Municipality for the purpose of providing them with workman's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least five thousand (\$5,000.00) dollars for death from any cause to age sixty-five (65) and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65); provided, that the firemen covered are actively and faithfully performing the duties of their position. The Fire Department shall consist of so many members as may be decided by the Governing Body. The members may organize themselves in any way they may decide, subject to the review of the Governing Body. They may hold meetings and engage in social activities with the approval of the Governing Body. The secretary shall upon request keep a record of all meetings and shall make a report to the Governing Body of all meetings and activities of the Fire Department. The Governing Body may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations, and shall perform such duties, as may be prescribed or required of them by the Fire Chief or the Governing Body. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of policemen and shall have full power and authority to arrest all persons guilty of any violation of the Municipal Code, or the laws of the State of Nebraska.

Provided, however, Volunteer Firefighters and rescue squad members testifying as a witness in connection with his or her officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the Municipality. *(Ref. 33-139.01, 35-101 thru 35-103, 35-108 RS Neb.) (Ord No. 397, 2/7/74) (Amended by Ord. No. 607, 2/8/90)*

§3-303 MUNICIPAL FIRE DEPARTMENT; FIRES.

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the Municipality; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

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§3-304 MUNICIPAL FIRE DEPARTMENT; PRESERVATION OF PROPERTY.

Any official of the Municipal Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the Municipal firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

§3-305 MUNICIPAL FIRE DEPARTMENT; MANDATORY ASSISTANCE.

Any official of the Municipal Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the fire, or in the removal and protection of property. In the event that a spectator refuses, neglects, or fails to assist the Fire Department after a lawful order to do so, he shall be deemed guilty of a misdemeanor.

§3-306 MUNICIPAL FIRE DEPARTMENT; POWER OF ARREST.

The Municipal Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected arsonist, or other person hindering or resisting the fire fighting effort, or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of Municipal Policemen to command all persons to assist them in the performance of their duties.

§3-307 MUNICIPAL FIRE DEPARTMENT; FIRE INVESTIGATION.

It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged in excess of fifty (\$50.00) dollars. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he may call for. (*Ref. 81-506 RS Neb.*)

Article 4. Police Department

§3-401 POLICE DEPARTMENT; DUTIES. The Police Department shall consist of the Chief of Police and such further number of regular policemen as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction of the Mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He shall devote his whole time to the municipal affairs, interests of the Municipality, and to the preservation of peace, order, safety, and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Mayor. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Municipality. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and special policemen shall become thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

Chapter 5. Parks

§3-501 MUNICIPAL PARKS; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Parks and other recreational areas through the Board of Park Commissioners. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasurer. The Board shall have the authority to adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality. The Board shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the Governing Body prior to the contractual agreement. *(Ref. 17-948 thru 17-952 RS Neb.)*

§3-502 MUNICIPAL PARKS; INJURY TO PROPERTY. It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the Municipal Parks and recreational areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

Article 6. Swimming Pool

§3-601 MUNICIPAL SWIMMING POOL; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Swimming Pool. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the Swimming Pool may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Swimming Pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer. The Board of Park Commissioners shall manage the Swimming Pool. The Board shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as they may deem necessary and shall pass such rules and regulations for the operation of the Swimming Pool as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body. *(Ref. 17-948, 17-951, 17-952 RS Neb.)*

§3-602 MUNICIPAL SWIMMING POOL; ADMISSION CHARGE. The Board of Park Commissioners may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use by any person of the Municipal Swimming Pool. The said charges shall be on file at the office of the Municipal Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. *(Ref. 17-949 RS Neb.)*

§3-603 MUNICIPAL SWIMMING POOL; RULES AND REGULATIONS. The Board of Park Commissioners shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the Swimming Pool and for the efficient management thereof. They may provide suitable penalties for the violation of such bylaws, rules, and regulations subject to the review and supervision of the Governing Body. *(Ref. 17-949 RS Neb.)*

Chapter 7. Library

§3-701 MUNICIPAL LIBRARY; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Library through the Library Board. The Governing Body, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Municipal Library. The Library Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body. *(Ref. 51-201, 51-202, 51-211 RS Neb.)*

§3-702 MUNICIPAL LIBRARY; BOOKS. The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of. *(Ref. 51-207 RS Neb.)*

§3-703 MUNICIPAL LIBRARY; RULES AND REGULATIONS. The Library Board shall establish rules and regulations for the governing of the Municipal Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the Library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. *(Ref. 51-205, 51-214 RS Neb.)*

§3-704 MUNICIPAL LIBRARY; BOOK REMOVAL. It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the Library, without the consent of the Librarian, or an authorized employee of the Library. Any person removing a book from the Library without properly checking it out shall be deemed to be guilty of a misdemeanor. *(Ref. 51-211 RS Neb.)*

§3-705 MUNICIPAL LIBRARY; MONEY COLLECTED. Any money collected by the Library shall be turned over monthly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue. *(Ref. 51-209 RS Neb.)*

Article 8. Cemetery

§3-801 MUNICIPAL CEMETERY; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Cemetery through the Cemetery Board. The Governing Body, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the Cemetery may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Cemetery. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to hire and supervise such employees as they may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body. *(Ref. 12-301 thru 12-403 RS Neb.)*

§3-802 MUNICIPAL CEMETERY; SEXTON. The Cemetery Board, subject to the approval of the Governing Body, shall have the authority to appoint a Sexton who shall perform such duties and make such reports as the Cemetery Board shall direct. It shall be the duty of the Sexton, upon receiving a burial permit to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate, or cause the same to be dug or excavated, in compliance with the rules and regulations of the Cemetery Board. *(Ref. 12-403 RS Neb.)*

§3-803 MUNICIPAL CEMETERY; CONVEYANCE OF LOTS. The Governing Body may convey cemetery lots by Certificate signed by the Mayor, and countersigned by the Municipal Clerk under the Municipal Seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said Certificate shall give a right in fee simple to the proprietor, his heirs, and assigns. The Certificate shall then be recorded in the office of the County Clerk. *(Ref. 17-941 RS Neb.)*

§3-804 MUNICIPAL CEMETERY; LOT TRANSFERS. Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the Municipal Clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the Governing Body.

§3-805 MUNICIPAL CEMETERY; BURIAL PERMIT. All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the Municipal Cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by State law, the funeral director shall notify the Registrar and obtain his written approval before the deceased person may be buried in the Municipal Cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk. It shall be unlawful for the Sexton, or other person, to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the Sexton. The interment of any body shall be performed under the direct

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supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the Cemetery Board. Upon completion of the requirements herein, the Municipal Clerk shall then issue a Municipal Burial Permit which shall entitle the applicant to bury a deceased person in the Municipal Cemetery. In the event that the removal of the body of any deceased person is requested the Municipal Clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment. *(Ref. 71-605 RS Neb.)*

§3-806 MUNICIPAL CEMETERY; SHRUBS AND TREES. It shall be unlawful, without the written permission of the Cemetery Board, to plant, maintain, or suffer to remain on any Cemetery lot a shrub or tree attaining a height of more than four (4') feet.

§3-807 MUNICIPAL CEMETERY; MONUMENTS. Persons desiring to erect monuments, tombstones, or other structures shall first procure a permit from the Municipal Clerk. The Cemetery Board shall review all such applications and shall give written approval for any permit prior to the issuance by the Municipal Clerk of the said permit.

§3-808 MUNICIPAL CEMETERY; DESTRUCTION OF PROPERTY. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the Cemetery, or any fence, railing, or other work for the protection or ornamentation of the Cemetery, or who shall willfully destroy, cut, break, or injure any tree, shrub, or plant shall be deemed to be guilty of a misdemeanor. *(Ref. 28-512 RS Neb.)*

Article 9. Dumping Grounds

§3-901 MUNICIPAL DUMPING GROUNDS; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Dumping Grounds through the Dump Caretaker. The Governing Body, for the purpose of defraying the cost of the care management, and maintenance, of the Municipal Dumping Grounds may each year levy a tax not to exceed the limit prescribed by State law, on the actual valuation estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Dump Fund and shall remain in the custody of the Municipal Treasurer. The Dump Caretaker shall have the direct management and control of the Municipal Dump and shall faithfully carry out the duties of his position. The Governing Body shall provide by ordinance for the management and operation of the Dumping Grounds and shall set the rates to be charged for services rendered by resolution and file the same in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref. 19-2101 thru 19-2106 RS Neb.)*

§3-902 MUNICIPAL DUMPING GROUNDS; STATE REGULATIONS.

The Municipality shall each year apply for a license to operate the Municipal Dumping Grounds. Application shall be made to the Department of Environmental Control on forms provided by the Department. No fee shall be charged for such licensing. Each license so issued shall expire on October 1, following the date of issuance. It shall be the duty of the Dump Caretaker to comply with the rules and regulations prescribed by the Department of Environmental Control for the use and operation of the Municipal Dumping Grounds.

Article 10. Electrical System

§3-1001 MUNICIPAL ELECTRICAL SYSTEM; OWNERSHIP. The Municipality owns and operates the Municipal Electrical System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electrical System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electrical Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the Electrical System subject to the supervision and review of the Governing Body. The Governing Body shall by resolution set the rates to be charged for services rendered and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref. 17-902 thru 17-904, 17-906, 17-909 RS Neb.)*

§3-1002 MUNICIPAL ELECTRICAL SYSTEM; CONTRACTS AND TERMS. The Municipality through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named, in this Article, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the Municipality, to which both parties are bound. If customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the Superintendent or his agent.

§3-1003 MUNICIPAL ELECTRICAL SYSTEM; CONSUMER'S DEPOSIT. Every person or persons desiring electrical service may be required to make a service deposit in such amount as has been set by the Governing Body and on file at the office of the Municipal Clerk. Electricity may not be supplied to any house or building except upon the order of the Utilities Superintendent. The System shall not supply to any person outside the corporate limits electrical service without special permission from the Governing Body; provided, that the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to supply electrical service to non-residents. *(Ref. 17-902, 19-2701 RS Neb.)*

§3-1004 MUNICIPAL ELECTRICAL SYSTEM; LICENSED ELECTRICIAN. Under no circumstances shall connections be made between the wires of the electrical

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distribution system of this Municipality and the meter of the consumer, except by an employee of the Municipality or a bonded electrician authorized to do so by the Utilities Superintendent. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All wiring, equipment, and apparatus shall be installed according to the electrical code duly adopted by the Municipality. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; provided, that such rules, regulations, and specifications have been reviewed and approved by the Governing Body. *(Ref. 17-902 RS Neb.)*

§3-1005 MUNICIPAL ELECTRICAL SYSTEM; INSTALLATION EXPENSE. The expense of installation and equipment up to and including the electrical meter shall be paid by the Municipality. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. *(Ref 17-902 RS Neb.)*

§3-1006 MUNICIPAL ELECTRICAL SYSTEM; METERS. All electrical meters shall be read at least one (1) time each month during which electrical service is used between the nineteenth (19th) day and the twenty-fifth (25th) day of the month. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six (6) month average of the season one (1) year previous to such breakage shall be used for billing purposes.

§3-1007 MUNICIPAL ELECTRICAL SYSTEM; MINIMUM RATES. All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall, by written order direct the Utilities Superintendent to shut off the electricity in which case he shall not be liable thereafter for electrical service until the electricity is turned on again. *(Ref. 17-902 RS Neb.)*

§3-1008 MUNICIPAL ELECTRICAL SYSTEM; SERVICE DEPOSIT FUND. The service deposit required for electrical service shall be promptly paid upon demand by all customers of the Electrical System. From the said deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the Utilities Superintendent and immediately turned over to the Municipal Treasurer who shall keep the said fees in a trust fund for the customers of the Electrical System. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the Municipal Electrical System.

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§3-1008.01 MUNICIPAL ELECTRICAL SYSTEM; DEPOSIT.

(1) The following shall be the base electric deposits:

Residential

Renter.....	\$125.00
Owner.....	\$125.00

Commercial

Renter.....	\$150.00
Owner.....	\$150.00

(2) In the event that the electrical service is disconnected by the City because of non-payment of the utility bill, the deposit shall be applied towards the unpaid bill and prior to re-connecting the service, the unpaid bill shall be paid in full along with the re-connect fee and the person requesting the re-connection shall deposit with the City an amount equal to double the deposit held by the City prior to the disconnection.

(3) The meter rates for electrical connections used primarily for service to grain storage bins is hereby set as follows:

BIN CAPACITY

ELECTRIC METER DEPOSIT

20,000 bushels or less	\$ 250.00
20,001 to 50,000 bushels	500.00
50,001 bushels or more	1,000.00

(Ord. No. 613, 5/9/91) (Amended by Ord. Nos. 686, 9/10/98; 689, 12/9/98)

§3-1009 MUNICIPAL ELECTRICAL SYSTEM; DELINQUENT PAYMENTS.

Electrical fees shall be due and payable monthly at the office of the Light Commissioner. If said fees are not paid within twenty (20) days after the same become due, the electricity will be turned off in compliance with section 3-115 and not turned on again until all back fees and charges are paid, including any penalty charge which the Governing Body may, by resolution, prescribe. *(Amended by Ord. No. 500, 5/8/80)*

§3-1010 MUNICIPAL ELECTRICAL SYSTEM; RESTRICTED USE.

The Municipal Electrical System does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Utilities Superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. *(Ref. 17-902 RS Neb.)*

§3-1011 MUNICIPAL ELECTRICAL SYSTEM; CONSTRUCTION AND LANDSCAPING.

No person shall commence any construction, landscape or other

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project that shall jeopardize any City Utility line without first giving the City Clerk an advance forty-eight (48) hour minimum notice excluding Saturday, Sunday and legal holidays. In the event any person or persons shall cause damage to any City utility line without giving the City the aforesaid notice, said person shall be charged the actual cost of any repairs to such damaged lines, by the City, including labor. *(Ord.No. 558 ,4/18/85) (Original section 3-1011 was repealed by Ord. No. 499, 5/8/80)*

§3-1012 MUNICIPAL ELECTRICAL SYSTEM; TRIMMING TREES. Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the Municipal Electrical System shall, before doing the said work, give reasonable written notice to the Utilities Superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the Electrical System, the Governing Body shall have the power to order cut and removed any overhanging branches or limbs of trees so that the lines will be free and safe.

§3-1013 MUNICIPAL ELECTRICAL SYSTEM; RATES. Rates for electric service for energy to be delivered by the City of Bridgeport, Nebraska, through its municipal electric distribution system are here by established, as follows:

SCHEDULE 1. RESIDENTIAL ELECTRIC SERVICE

Applicable: To single family residences and individually metered apartments for all domestic purposes, including space heating, when all service is supplied through a single meter.

Character of Service: 60 cycle, AC, single-phase, 120 volt, 2 wires; or 120/240 volt 3 wire (optional with the system).

<u>Rate:</u>		<u>Winter</u>	<u>Summer</u>
Customer Charge	@	\$10.00/month	\$10.00/month
First 600 kWh	@	6.8 cents/kWh	6.8 cents/kWh
Balance	@	6.8 cents/kWh	4.1 cents/kWh

Minimum Bill: \$10.00 per month

Fuel Adjustment: At the option of the City, the above rates and bills may be adjusted from month to month for production cost adjustments charged by the City's supplier(s).

Load Management Credit: Those customers that volunteer to have direct load control switches installed on air conditioners, heat pumps, and hot water heaters are entitled to an annual credit of \$24.00, to be applied to the bill for September usage.

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Seasons: Summer season covers usage in the months of June through September. Winter season covers usage in the months of October through May.

Terms and Conditions: In case of bi-monthly billing, the minimum and the kilowatt-hour blocks will be doubled for billing purposes. Service will be furnished under the City's General Terms and Conditions. *(Amended by Ord. Nos. 599, 7/7/88; 608, 3/8/90; 609, 4/5/90; 617, 11/7/91; 715, 10/11/01; 724, 10/9/03; 746, 10/6/05)*

SCHEDULE 2. GENERAL ELECTRIC SERVICE

Applicable: To any customer that does not qualify for another rate schedule.

Character of Service: The single phase, or three phase if available, alternating current, electric service will be supplied at the systems standard voltages when all service at one (1) location is measured by one (1) meter.

<u>Rate:</u>		<u>Winter</u>	<u>Summer</u>
Customer Charge	@	\$15.00/month	\$15.00/month
First 500 kWh	@	9.5 cents /kWh	9.5 cents/kWh
Next 2500 kWh	@	7.6 cents /kWh	5.7 cents/kWh
Balance	@	6.5 cents /kWh	5.7 cents/kWh

Minimum Bill: \$15.00 per month.

Terms and Conditions: Service will be furnished under the City's General Terms and Conditions for service under this schedule.

Fuel Adjustment: At the option of the City, the above rates and bills may be adjusted from month to month for production cost adjustments charged by the City's supplier(s).

Load Management Credit: Those customers that volunteer to have direct load control switches installed on air conditioners heat pumps, and hot water heaters are entitled to an annual credit of \$24.00, to be applied to the bill for September usage. *(Amended by Ord. No. 746, 10/6/05)*

SCHEDULE 3. MUNICIPAL WATER PUMPING SERVICES

Applicable: To municipally owned water pumps.

<u>Rate:</u>		<u>Winter</u>	<u>Summer</u>
Minimum	@	Monthly energy usage	
First 1500 kWh	@	6.2 cents/kWh	6.2 cents/kWh
Next 1500 kWh	@	6.2 cents/kWh	6.2 cents/kWh
Balance	@	4.5 cents/kWh	5.0 cents/kWh

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Minimum Bill: Energy Usage

SCHEDULE 4. IRRIGATION SERVICE

Applicable: To wells, pumps, center-pivot irrigation systems, the Primary purpose of which is agricultural irrigation.

Character of Service: The single phase, or three phase if available, alternating current, electric service will be supplied at the systems standard voltages when all service at one (1) location is measured by one (1) meter.

Rate:

Unlimited usage, no direct control	\$35 per connected HP
Two (2) days per week of direct control	\$28 per connected HP
Three (3) days per week of direct control	\$21 per connected HP
Energy rate	\$6.0 cents/kWh for all energy usage

Terms and Conditions: Service will be furnished under the City's General Terms and Conditions for service under this Schedule.

Fuel Adjustment: At the option of the City, the above rates and bills maybe adjusted from month to month for production cost adjustments charged by the City's supplier(s).

Other Terms: Customer agrees to pay annual hookup charge prior to May 1. (*Amended by Ord. No. 746, 10/6/05*)

PENALTY

Bills are due and payable on the first (1st) day of each month. All customers who have unpaid utility bills on the eleventh (11th) day of each month shall be assessed a penalty of ten (10%) percent of their total utility bill. (*Amended by Ord. Nos. 518, 3/11/82; 545, 2/9/84; 548, 6/7/84; 575, 8/6/86; 608, 3/8/90; 609, 4/5/90; 617, 11/7/91; 715, 10/11/01; 724, 10/9/03; 746, 10/6/05*)

§3-1014 MUNICIPAL ELECTRICAL SYSTEM; INSPECTIONS. The Utilities Superintendent or his duly authorized agents shall have free access at any reasonable time to each premise and building to or in which electricity is supplied; provided, that in the event of an emergency, such inspections may take place at any time. (*Ref 17-902 RS Neb.*)

§3-1015 MUNICIPAL ELECTRICAL SYSTEM; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Electrical System. (*Ref. 28-512 RS Neb.*)

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§3-1016 COGENERATION; PURPOSE. In order to comply with sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 and with the rules and regulations of the Federal Energy Regulatory Commission pertaining thereto, the following policies relating to interconnections of the electric system of the City of Bridgeport with cogeneration and small power production facilities, rates for sales of electric energy to such facilities, and rates for purchases of electric energy from such facilities are hereby established. *(Ord. No. 511, 5/7/81)*

§3-1017 COGENERATION; DEFINITIONS. For the purpose of this Article the following definitions will apply.

COGENERATION FACILITY means a facility which produces electric energy and steam or other forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.

QUALIFYING COGENERATION FACILITY means a cogeneration facility that meets the requirements of the Federal Energy Regulatory Commission regarding ownership, fuel use, and operating and efficiency standards.

SMALL POWER PRODUCTION FACILITY means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof totaling not greater than 80 megawatts at one site.

QUALIFYING SMALL POWER PRODUCTION FACILITY means a small power production facility that meets the requirements of the Federal Energy Regulatory Commission regarding ownership, fuel use, fuel efficiency, and reliability.

INTERCONNECTION COSTS means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the electric utility directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a qualifying facility, to the extent such costs are in excess of the corresponding costs which the electric utility would have incurred if it had not engaged in interconnected operations, but instead generated an equivalent amount of electric energy itself or purchased an equivalent amount of electric energy or capacity from other sources. (Interconnection costs do not include any costs involved in the calculation of avoided costs.)

AVOIDED COSTS means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from qualifying facilities, such utility would generate itself or purchase from another source. *(Ord. No. 511, 5/7/81)*

§3-1018 COGENERATION; INTERCONNECTIONS WITH QUALIFYING FACILITIES. Qualifying facilities desiring to interconnect with the electric system of the City of Bridgeport shall make application to the Department of Utilities for such interconnection. Applicants shall use such forms as are prescribed by the City of Bridgeport and shall furnish all information requested.

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The City of Bridgeport shall establish reasonable standards to be met by qualifying facilities to ensure system safety and reliability of interconnected operations. Such standards may include but shall not be limited to the following areas: power factor; voltage regulations; fault, overcurrent, and over-under voltage protection; harmonics; synchronization; and isolation.

Interconnection costs associated with the interconnection with a qualifying facility shall be paid for by such qualifying facility. Qualifying facilities shall be required to execute contractual agreements with the City of Bridgeport before any interconnection is established. (*Ord. No. 511, 5/7/81*)

§3-1019 COGENERATION; RATES FOR SALES OF ELECTRIC ENERGY TO QUALIFYING FACILITIES. Rates for sales of electric energy to qualifying facilities shall be those current standard rates adopted from time to time by resolution of the Mayor and City Council which apply to other customers of the utility in the same classification(s) of electric service. (*Ord. No. 511, 5/7/81*)

§3-1020 COGENERATION; RATES FOR PURCHASES OF ELECTRIC ENERGY FROM QUALIFYING FACILITIES. Rates for purchases of electric energy from qualifying facilities shall be established by resolution of the Mayor and City Council.

Such rates shall be just and reasonable to the electric consumer of the utility and in the public interest, shall not discriminate against qualifying cogeneration and small power production facilities, and shall be related to avoided costs; however, in no case is the utility required to pay more than the avoided costs.

Standard rates shall be established for purchases from qualifying facilities with a design capacity of 100 kilowatts or less. Rates for purchases from qualifying facilities with a design capacity over 100 kilowatts may be standard rates or may be by individual contracts, the terms of which are fair and reasonable. (*Ord. No. 511, 5/7/81*)

Article 11. Utilities Generally

§3-1101 MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE. The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within twenty (20) days after the date that the same becomes delinquent. Before any termination, the Department of Utilities shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Public Welfare.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five (5) days of receiving notice under this Section and will prevent the disconnection of the Department's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;
8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the Department for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this Section which has received prior approval from the Governing Body.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute

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and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

The procedures adopted by the Governing Body for resolving utility bills, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.

This Section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (*Ref. 19-2702 et seq. RS Neb.*) (*Ord. No. 498, 5/8/80*)

§3-1102 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY.

The Municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a Municipal Utility. A Municipality may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

In any civil action brought pursuant to this section, the Municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

- A. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or
- B. Liquidated damages of (i) until July 1, 1985, five hundred (\$500.00) dollars and (ii) on July 1, 1985, and thereafter, seven hundred fifty (\$750.00) dollars if the amount of actual damage or loss is not susceptible of reasonable calculation.

In addition to damage or loss under subdivision A or B of this section the Municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of section 25-1801 Reissue Revised Statutes of Nebraska 1943.

There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws and the remedies provided in this section

§3-1102

§3-1105

are in addition to and not in limitation of any other civil or criminal statutory or common law remedies. *(Ref. 86-331.01 through 86-331.04 RS Neb.) (Ord. No. 541, 10/6/83)*

§3-1103 UTILITIES GENERALLY; BILLING AND PAYMENT. All users shall be billed monthly in advance. Bills not paid within the month due shall be considered delinquent, and the City may disconnect the water and/or sewer service within seven (7) days after "shut-off" notice.

The City will deliver by hand or registered mail to the user a shut-off notice; said shut-off notice will require the bill be paid within seven (7) days of the time of service of the notice. If neither the owner nor the occupant can be located for personal service, it shall be lawful to attach the said notice to the front door. Until paid, all rates, tolls, fees and charges shall constitute a first and perpetual lien on or against the property served, and any such lien may be foreclosed in the manner provided by the Act under which the City was formed. *(Ord. No. 543, 11/10/83) (Amended by Ord. No. 547, 3/8/84)*

§3-1104 UTILITIES GENERALLY; INSTALLATION OF WATER AND SEWER LINES; ASSESSMENT AGAINST PURCHASER. That upon the sale of any lot located in an undeveloped block platted within the city limits of Bridgeport that the City of Bridgeport shall cause to have installed sewer and water lines for the complete block. Upon the purchase of any lot located in said block, that the City has installed water and sewer lines, the purchaser shall be assessed \$9.00 per foot of the lot frontage for the water line and shall be assessed \$9.00 per foot of the lot frontage for the sewer line, said assessments to be due and payable upon the purchase of said lot.

The above fee shall be in addition to any hook up charges assessed by the City. *(Ord. No. 620, 6/11/92)*

§3-1105 UTILITIES GENERALLY; UTILITY BILLS; DISCONTINUANCE OF SERVICE; DEPOSIT REQUIRED; RECONNECT FEE. (1) All utility bills must be paid in full including assessments for electricity, water, sewer and trash when due or with in seven working days after the tenth day of each month. If the utility bill is not paid in full within the prescribed time all utilities shall be shut off.
(2) In the event that utility service was disconnected due to nonpayment of an utility bill a double deposit shall be made to the City Clerk prior to utility service being restored.
(3) In the event that utility service is disconnected for any reason a reconnect fee shall be assessed and paid in the amount of thirty dollars (\$30.00) before utility service is restored.
(4) In the event that a tenant fails to pay an assessed utility bill the landlord shall be responsible for the same.
(5) Landlord may request, by written agreement, to be notified in writing if tenant utility payments are delinquent and utilities are subject to disconnection.
(6) Landlord may request, by written agreement, that utilities be automatically transferred from tenant to landlord if the city exercises its right to disconnect utilities for non payment of the same by tenant. *(Ord. No. 641, 11/12/93; Amended by Ord. No. 753, 7/6/06)*

Article 12. Penal Provision

§3-1201 **VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Amended by Ord. No. 694, 7/8/99)*

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