

## Article 2. Sewer Department

Editor's Note: Article 2 renumbered and reorganized with passage of Ords 417 & 418, 10/9/78

### **§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; DEFINITION OF TERMS:**

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

**BIOLOGICAL OXYGEN DEMAND.** The term "Biological Oxygen Demand" (BOD) shall mean and include 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 OR HOUSE DRAIN.** The term "Building Drain" and "House Drain" shall mean and include 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.** The term "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

**COMBINED SEWER.** The term "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

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

**MUNICIPALITY.** The term "Municipality" shall mean the City of Pawnee City, Nebraska.

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

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

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

PROPERLY SHREDDED GARBAGE. The term "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 1/8 inch (1.27 centimeters) in any dimension.

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

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

SEWAGE. The term "Sewage" shall mean and include 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. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

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

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

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. The term "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. The term "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The term "Superintendent" shall mean the Utilities Superintendent of the City of Pawnee City, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean and include solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by laboratory filtering.

WATERCOURSE. The term "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (*Ord 417, 10/9/78*)

**§3-203 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR PERMIT:**

Any person wishing to connect with the Sewer System shall make an application therefor to the Utilities Superintendent. The Utilities Superintendent may require any applicant to pay a fee for processing the application and defraying any administrative expenses involved in passing upon such application; providing such amount has been set by the Governing Body and placed on file at the office of the Municipal Clerk. Sewer service may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; provided that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents. (*Ref 17-149, 19-2701 RS Neb*)

**§3-204 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT:**

The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits and 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 violates 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 except by order of the Superintendent or his agent.

**§3-205 MUNICIPAL SEWER DEPARTMENT; SERVICE CONTRACTS:**

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

**§3-206 MUNICIPAL SEWER DEPARTMENT; USER CHARGES, RATES, CLASSIFICATION:**

For the purpose of paying the cost of maintenance and repair of the Sanitary Sewer System including the wastewater treatment plant of the City of Pawnee City, Nebraska there shall be established, fixed and imposed upon the users of said sewer system, rates and charges for sewer service in said City. Furthermore, there shall be established a user classification system consisting of four classes of users. The four (4) classes of users shall be:

1. Residential, including single family and multi-family dwellings, light industrial/light commercial,
2. Institutional, including schools, courthouses, and hospitals,
3. Commercial, including non-residential businesses such as restaurants and car washes, and
4. Industrial.

Rates and charges to be levied against the individual users shall be based on the metered water consumption of each user averaged in January, February & March, with the new Sewer Consumption Rate to go into effect for the April 1<sup>st</sup> billing. This rate will become the individual user's Sewer Rate for the next twelve (12) months and shall be computed as follow:

**Effective October 1, 2015:** Residential, Commercial & Institutional rates: \$25.76 Base Fee with the Commodity Charge to remain at \$5.81 per 1000 gallons; Industrial rates: \$929.60 Base Fee; commodity charge to remain at \$5.81 per 1000 gallons;

**Effective October 1, 2016:** Residential, Commercial & Institutional rates: \$28.85 Base Fee with the Commodity Charge to remain at \$5.81 per 1000 gallons; Industrial rates: \$1,041.15 Base Fee with commodity charge to remain at \$5.81 per 1000 gallons;

**Effective October 1, 2017:** Residential, Commercial & Institutional rates: \$32.31 Base Fee with the Commodity Charge to remain at \$5.81 per 1000 gallons; Industrial rates: \$1,166.09 Base Fee with commodity charge to remain at \$5.81 per 1000 gallons;

**Effective October 1, 2018:** Residential, Commercial & Institutional rates: \$36.19 Base Fee with the Commodity Charge to remain at \$5.81 per 1000 gallons; Industrial rates: \$1,306.02 Base Fee with commodity charge to remain at \$5.81 per 1000 gallons.

*(Ord 418, 10/9/78; Amended 8/24/2015)*

**§3-207 MUNICIPAL SEWER DEPARTMENT; DEBT SERVICE, SURCHARGES:**

Of the revenue collected, four (\$4.00) dollars of each monthly charge to the individual users shall be allocated for debt service retirement, and the remainder allocated for operation and maintenance of said Sanitary Sewer System. In addition, if the sanitary waste contribution from any individual user contains toxic pollutant material as established in Sections 3-234 and 3-235, a surcharge for each toxic pollutant material which is contained in the waste discharge established by the Mayor and City Council. However, the establishment of this surcharge shall in no way constitute the acceptance of any toxic pollutant material. The acceptance or rejection of the toxic

pollutant material by the City shall be in accordance with Section 3-236. If the toxic pollutant material is accepted, the surcharge shall be levied against the individual user whose discharge contains the toxic pollutant material as established in Sections 3-234, and 3-235, and shall be established by the Mayor and City Council, taking into account the effects on the wastewater treatment works, the cost of treating the toxic pollutant, the cost of treating any waste sludge material containing the toxic pollutant and any additional costs associated with the handling and treatment of the toxic waste.

The rates and charges for the individual users are based on the metered water consumption of each user with the assumption that the strength of the wastewater contributed by each individual user is considered domestic waste. The sanitary waste contribution from the individual will be considered domestic when the pollutant material in the waste discharge is equal to, or less than, the limits established in Sections 3-234 and 3-235. If the sanitary waste contribution from any individual user exceeds the limits as established in Sections 3-234 and 3-235, a Surcharge for each pollutant which is contained in the waste discharge shall be established by the City Council. The surcharge to be levied against the individual user whose discharge contains pollutants in excess of the limits established in Sections 3-234 and 3-235, shall be computed as follows:

$$\text{Surcharge} = (D \times \$ .48) + (E \times \$ .25)$$

Where D = The excess mass quantity in lbs. of BOD for discharges containing over 300 mg/l.

Where E = The excess mass quantity of lbs of suspended solids for discharges containing over 350 mg/l.

\$ .48 = O & M expense to treat unit of BOD, \$/lb.

\$ .25 = O & M expense to treat unit of suspended solids, \$/lb.

*(Ord 418 10/9/78) (Amended 8/24/2015)*

### **§3-208 MUNICIPAL SEWER DEPARTMENT; BILLS, COLLECTIONS:**

The charge shall be levied to each property served by the Sanitary Sewer System and shall be included with the statement for water service. In the event that a property receives sewer service but does not receive water service, the charge for sewer service shall be the average sewer charge for the particular class of user into which the user falls. Each user charged for sewer service shall pay to the City Clerk at the City Hall the amount due said City for the sewer use charge. The City Clerk is authorized and directed to render statements for said sewer and at the same time as he is required to render statements to the City water users. Bills shall be due on the first (1st) days of each month of each year. If an account is not paid within ten (10) days after date of bill, a penalty of five dollars (\$5.00) shall be added thereto. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall have the Sheriff serve 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 serving of said notice, the user's water service shall be discontinued and disconnected until all amounts in arrears are paid in full, together with a fee of fifty (\$50.00) dollars for resumption of service. *(Ord 418, 10/9/78) (Amended by Ords 459, 3/22/82; 747, 2/14/00; 850, 7/23/07)*

**§3-209 MUNICIPAL SEWER DEPARTMENT; USER CHARGE REVIEW:**

At least once a year, the Mayor and City Council shall review the sewer user charge system in order to maintain the adequacy and proportionality of the charges. (*Ord 418, 10/9/78*)

**§3-210 MUNICIPAL SEWER DEPARTMENT; SEWAGE TREATMENT WORKS FUND:**

The operation, maintenance and replacement portion of all amounts billed and collected for sewage service from all users shall be segregated in a separate fund designated as the Sewage Treatment Works Fund. Within this fund, there are hereby established two (2) accounts:

1. Sewage Treatment Works Operation and Maintenance Account, and
2. Sewage Treatment Works Replacement Account.

Amounts within the Sewage Treatment Works Fund shall be credited to said accounts as provided below.

1. Sewage Treatment Works Operation and Maintenance Account. All amounts credited to the Sewage Treatment Works Fund which are not specifically designated for the Sewage Treatment Works Replacement Account shall be credited to this account and used only for the purpose of paying the costs of operation, maintenance and administration of the sewage treatment works of the City, including any minor replacements to the system not otherwise provided for in the Sewage Treatment Works Replacement Account.
2. Sewage Treatment Works Replacement Account.  
All amounts from the sewer user charges specifically designated for this account shall be credited herein and shall only be used to meet the replacement needs of the treatment works, including any necessary upgrading in the process of replacements to the sewage treatment works. Credits to this account from the Sewage Treatment Works Fund shall be made at least annually and shall initially be in the amount of two thousand (\$2,000.00) dollars.

Should a balance remain in either account within the Sewage Treatment Works Fund after payment of the items herein before provided, then said balance shall be carried over within the same account and used for the same purposes in the following year. Transfers of funds to meet temporary shortages in either account within this fund shall be returned to the appropriate fund following an adjustment in the sewer charge for operation, maintenance, and replacement. (*Ord 418, 10/9/78*)

**§3-211 MUNICIPAL SEWER DEPARTMENT; NON-RESIDENT USERS:**

Application for sewer service or continued use of the wastewater treatment system by customers outside the City limits not governed by an inter-municipal agreement shall constitute a contract between the customer and the City under which the City provides service and the

customer is bound by the rules and regulations governing the use of the City's wastewater treatment system, the user charge system and, if applicable, the industrial cost recovery system as established. (*Ord 418, 10/9/78*)

**§3-212 MUNICIPAL SEWER DEPARTMENT; SPECIAL RATES:**

The Mayor and City Council shall have power, by resolution, to establish fair and reasonable special assessments to the sewer users of said City, to apply only in special cases which are not covered by the schedule of rates set out in Section 3-206. (*Ord 418, 10/9/78*)

**§3-213 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 Municipality or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste. (*Ord 417, 10/9/78*)

**§3-214 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE:**

It shall be unlawful to discharge to any natural outlet within the Municipality, or in any area under the jurisdiction of said Municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article. (*Ord 417, 10/9/78*)

**§3-215 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 417, 10/9/78*)

**§3-216 PUBLIC SEWERS; REQUIRED; MANDATORY HOOK-UP:**

The property owners, occupant or lessee of any premise that abuts a sewer main that is now or may hereafter be laid shall without delay cause 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 often (10) days after notice has been given to him to make such a connection by registered mail or by publication in a newspaper in or of general circulation in the Municipality the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments. (*Ref 17-149, 17-149.01 RS Neb*) (*Ord 417, 10/9/78*) (*Amended Ord 891, 3/14/11*)

**§3-217 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE:**

Where a public sanitary or combined sewer is not available under the provisions of Section 3-216, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 3-216, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with bank-run gravel or dirt. (*Ord 417, 10/9/78*)

**§3-218 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 Municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the Municipality at the time the application is filed. (*Ord 417, 10/9/78*) (*Amended by Ord 857, 2/25/08*)

**§3-219 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 inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (*Ord 417, 10/9/78*)

**§3-220 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 twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (*Ord 417, 10/9/78*)

**§3-221 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 417, 10/9/78*)

**§3-222 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS:**

No statement contained in Sections 3-217 thru 3-221 shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (*Ord 417, 10/9/78*)

**§3-223 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 417, 10/9/78*)

**§3-224 BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE:**

There shall be two (2) classes of building sewer permits: (a) residential and commercial service, and (b) service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and ten dollars (\$10.00) for an industrial building sewer permit shall be paid to the Municipality at the time the application is filed. (*Ord 417, 10/9/78*)

**§3-225 BUILDING SEWER INSTALLATION; EXPENSE:**

All costs and expense incident 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 417, 10/9/78*)

**§3-226 MUNICIPAL SEWER DEPARTMENT; REPAIRS AND MAINTENANCE:**

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

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Sewer Commissioner may cause such work to be done and assess the cost upon the property served by such connection. (*Ref LB 992, 1984*) (*Ord 417, 10/9/78*) (*Amended by Ord 497, 10/8/84*)

**§3-227 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 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 417, 10/9/78*)

**§3-228 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 417, 10/9/78*)

**§3-229 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 Municipality, or 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 417, 10/9/78*)

**§3-230 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 417, 10/9/78*)

**§3-231 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. The connection and testing shall be made under the supervision of the Superintendent or his representative. (*Ord 417, 10/9/78*)

**§3-232 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 417, 10/9/78*)

**§3-233 PROHIBITED DISCHARGES; STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER:**

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

Stormwater 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. (*Ord 417, 10/9/78*)

**§3-234 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, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
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 shall be subject to the review of the Superintendent.

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 417, 10/9/78*)

**§3-235 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 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 waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the 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 417, 10/9/78*)

**§3-236 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 3-235, 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 3-241.

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 417, 10/9/78*)

**§3-237 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 417, 10/9/78*)

**§3-238 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 417, 10/9/78*)

**§3-239 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 417, 10/9/78*)

**§3-240 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 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 417, 10/9/78*)

**§3-241 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 Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment therefor, by the industrial concern. (*Ord 417, 10/9/78*)

**§3-242 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 417, 10/9/78*)

**§3-243 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 417, 10/9/78*)

**§3-244 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY:**

While performing the necessary work on private properties referred to in Sect. 3-243 above, the Superintendent or duly authorized employees of the Municipality 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 Municipal Employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal 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 3-239. (*Ord 417, 10/9/78*)

**§3-245 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 Municipality 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 417, 10/9/78*)

**§3-246 VIOLATION; NOTICE AND LIABILITY:**

Any person found to be violating any provision of this Article except Section 3-242 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.

Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation. (*Ord 417, 10/9/78*)

**§3-247 PENAL PROVISION; VIOLATION:**

Any person who shall continue any violation beyond the time limit provided in Section 3-246, 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 417, 10/9/78*)

**§3-248 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 417, 10/9/78*)

**§3-249 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 Sewer Commissioner 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, Ord 417, 10/9/78*) of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage; Provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.