

Title XVII Chapter 56 Public Works; Sewer

**Sewer**

**170.56.01 Sewer; Operation and Funding**

The Municipality owns and operates the City of Stanton Sewer System. All revenue collected shall be known as the Sewer Fund and shall remain in the custody of the City Treasurer. The City may pay for extensions and improvements by issuing and selling its combined revenue bonds and securing the payment thereof by pledging and hypothecating the revenue and earnings of any two or more of said public utilities and may enter into such contracts in connection therewith as may be necessary or proper. Such combined revenue bonds shall not be general obligations of the City issuing the same and no taxes shall be levied for their payment, but said bonds shall be a lien only upon the revenue and earnings of the public utilities owned and operated by the City of Stanton and which are pledged for their payment.

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

The Sewer Commissioner shall have the direct management and control of the Sewer Department, shall faithfully carry out the duties of the office, and shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. It shall be the duty of the Sewer Commissioner to report to the Governing Body the affairs of the sewer department and any recommendations as deemed proper. The Governing Body shall have the authority to adopt the rules and regulations, and to set the rates to be charged for services rendered by ordinance and shall file a copy of the policies and rates in the office of the City Clerk for public inspection at any reasonable time.

Amended by Ordinance 781 – January 17, 2008

**170.56.02 Sewer; Definitions**

The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

*Trap* - The term “trap” as used in this Code, shall mean and include a fitting or device so construed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

*Sewer System* - The term “sewer system” as used in this Code, shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewage* - The term “sewage” as used in this Code, 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.

*Sanitary Sewer* - The term "sanitary sewer" as used in this Code, shall mean and include a sewer which carried sewage and to which storm, surface, and ground waters are not intentionally admitted.

*Storm Sewer* - The term "storm sewer" as used in this Code, shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

*Garbage* - The term "garbage" as used in this Code, shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

*Properly Shredded* - The term "properly shredded" as used in this Code, shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half (1/2") inch in diameter.

*Biological Oxygen Demand* - The term "biological oxygen demand" as used in this Code, 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 parts per million by weight.

*pH* - The term "pH" as used in this Code, shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Suspended Solids* - The term "suspended solids" as used in this Code, 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 filtering.

### **170.56.03 Sewer; Application for Service**

Every person requesting sewer service from the City of Stanton Sewer System shall make application therefore to the City Treasurer upon forms furnished for such purpose. Fees and charges as listed in Section 170.56.12 shall be paid in person or billed with the next regular billing cycle for the property. Failure to pay the fee or charge shall be cause for disconnection of service. A copy of the application acknowledging receipt of service deposits is provided to the customer, along with a listing of utility rates and the customer service policy.

The City may, in some circumstances, accept application for service from a second party, with the understanding that the first party will sign an application within fifteen (15) days. Such second party shall be responsible for payment of services unless and until an appropriate written and signed application is made by the first party and accepted by the City for the entire service period.

If a current customer moves to a new location and desires utility services at the new location, notification of the new location will be sufficient. If the customer adds new services, he/she must sign another application and pay the required deposit for the new service.

Amended by Ordinance 781 – January 17, 2008

### **170.56.04 Sewer; Contract**

The rules, regulations, and sewer rates hereinafter named in this Article, 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 the 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 Sewer Commissioner, 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 Commissioner or his agent.

#### **170.56.05 Sewer; Mandatory Hookup**

Upon written notice by the Sewer Commissioner the property owner, occupant, or lessee of any premise within three hundred (300') feet of any sewer main or lateral 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, 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.

#### **170.56.06 Sewer; Direct Connections**

Each and every building must make a direct connection with the main sewer line. Two or more houses or consumers shall not be allowed to make such a connection to the main sewer line through one pipe unless prior approval has been given by the Governing Body for such multiple connections in the form of an approved Resolution. Each household or consumer shall be considered separate for the purposes of sewer contracts, service and billing. An effective date for this section shall be January 15, 1989.

#### **170.56.07 Sewer; Service Contracts**

All the rules, regulations, and provisions of this article shall be considered a part of the contract with every person who is supplied sewer service in the City. Without further formality, the making of application on the part of any applicant or the use sewer service by present customers thereof and the furnishing of sewer service to the customer shall constitute a contract between the customer and the City of Stanton, to which said contract both parties are bound.

Any person wishing to change from one location to another shall notify the Municipal Treasurer of the new location. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, the consumer shall at once inform the Sewer Commissioner, who shall cause the sewer service to be shut off from the said premise. If the consumer shall fail to give notice, the consumer shall be charged for that period of time until the Sewer Commissioner is otherwise advised of such circumstances.

Amended by Ordinance 781 – January 17, 2008

**170.56.08 Sewer; Installation Procedure**

Upon approval of the consumer's application, the Municipality shall tap the sewer main for installation of the supply pipe from the main. The consumer shall install the service pipe from the main to the premises served. All installations or repairs of pipes require two (2) inspections by the Sewer Commissioner. The first (1st) inspection shall be made when connections or repairs are completed and before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the Commissioner at the time the work is ready for each inspection. The service line shall consist of Schedule 40 pipe. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Sewer Commissioner; provided that the said rules, regulations and specifications have been reviewed and approved by the Governing Body.

**170.56.09 Sewer; Installation Expense; Tap Fee**

The consumer, upon approval of his or her application for new sewer service, shall pay to the Municipality a minimum tap fee as listed in Section 170.56.12. The City shall tap the main and the consumer shall install the sewer pipe from the main. The consumer shall be required to pay the services of procuring the materials required, as well as the services of a contractor and shall pay all other costs of installation from the main to the premises served. The approval of the materials to be used shall be made by the Sewer Commissioner. The service line shall consist of Schedule 40 pipe. Any decision of the Sewer Commissioner may be appealed to the City Council.

The contractor shall provide the City of Stanton with a liability policy in the amount of three hundred thousand dollars (\$300,000.00); provide a hold harmless agreement to hold the Municipality harmless from any digging or trenching done within the Municipal limits of the City of Stanton, and shall further have the approval of the Sewer Commissioner of the City of Stanton before digging or trenching within the Municipal limits.

**170.56.10 Sewer; Repairs and Replacement**

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 the point of junction with the public main. The property owner shall obtain written permission from the City Superintendent before the commencement of any such repair, replacement or work.

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.

In the event it shall be necessary during any such repair or replacement to cut into, excavate in, or remove any portion of the paving in any City street or any area within 15 feet from the center line of any City street, the consent of the City Superintendent and Sewer Commissioner shall be first secured and the paving shall be restored to its former condition. Work of removing and restoring any street pavement or any area within 15 feet from the center line of any street for any such purpose shall be performed solely by the City Superintendent and in accordance with the provisions of this Code and any other specifications of the City regulating paving. The necessary repairs and the costs thereof including but not limited to labor, materials and renting of any equipment shall be made a charge against said property owner. The work of removing and restoring any area more than 15 feet from the center line of any street for any purpose shall be performed by the property owner under the supervision, control and direction of the City Superintendent and in accordance with the provisions of this Code and any other specifications of the City regulating paving. The necessary repairs and the costs thereof including but not limited to labor, materials and cost of renting any equipment for any area more than 15 feet from the center line of any City street shall be made a charge against said property owner.  
Amended by Ordinance 751, July 11, 2006

#### **170.56.11 Sewer; Authority for Setting Fees and Collections**

The Governing Body has the power and authority to fix the rates to be paid by the sewer customers for the use of the sewer system from the Sewer Department. 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.

All such fees shall be on file for public inspection at the office of the City Clerk. The City Treasurer shall bill the customers for sewer usage and collect all money received for sewer usage in the City of Stanton on the account of the Sewer Fund. The City Treasurer shall faithfully account for all revenue collected. A monthly report stating the total income and expenses for the sewer department will be given to the Governing Body.

It shall be the duty of the City Treasurer to keep and cause to be kept a separate, detailed and accurate account of all sewer rents and charges due from each customer with debits and credits, as the case may be, for a period of five (5) years.

Amended by Ordinance 781 – January 17, 2008

#### **170.56.12 Sewer; Rates**

Each new customer (residential or commercial) is required to sign an application for sewer service and make a deposit. All sewer consumers shall be liable for the following rates provided by ordinance unless and until the consumer shall, by written order, direct the Water Commissioner to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for sewer rental until the water is turned on again:

The fees to be charged for sewer shall be as follows:

1. Service Connection Charge (tap fee)

a. The owner or occupant of any premises who desires to make a tap onto the City's sewer system shall pay a fee of one hundred dollars (\$100.00) to the City of Stanton Sewer Fund.

b. No building or premises shall be connected to the City's sewer system when an extension or alteration of any existing sewer line is needed unless the owner of such premises pays a fee of five dollars (\$5.00) per front foot of the entire property upon which the building or premises is located to the City of Stanton Sewer Fund.

2. Deposit Charge

For all rental customers, a deposit of thirty-seven dollars and fifty cents (\$37.50) is required for sewer service. Deposits are kept on all rental property until the customer terminates service. Customers who terminate service are provided the refund minus all delinquent charges at the time of termination. No deposit fee is required for sewer service to new property owners within the City of Stanton.

Deposits cannot be transferred to another person's account, even if the person is a family member.

The appropriate deposit is required to be made within thirty days (30) from the date of application, unless arrangement is made for additional time, or the utility will be disconnected after reasonable notice.

3. Customer Requested Disconnect / Reconnect Charge

No basic monthly sewer fee shall be charge if the water service is turned off for over 30 days. If water is shut off for a portion of the month, the total monthly sewer fee shall be charged.

4. Customer Requested Reconnect Charge

The owner or occupant of any premises who desires to have the sewer service reconnected must request it in writing to the Water / Sewer Commissioner. The water will be turned on at the curb stop. The customer or his / her designated representative may be required to be present to confirm the water is reconnected.

A fee of \$12.50 will be charged. No fee shall be charged for a reconnect by customers making repairs to their sewer service pipe within a 72 hour period of being shut off.

5. Abandonment of Service

The owner or occupant of any premises who desires to permanently abandon service must request it in writing to the Sewer Commissioner. The water must be turned off at the curb stop. The property owner shall have a licensed plumber disconnect the service line from the main, unless the Sewer Commissioner has approved other means of abandoning the line. A fee of \$10.00 will be charged. No monthly fee will be assessed for abandonment of service. To have service reestablished, the owner will need to pay a service connection charge (\$100.00) and any additional fees to the City and have a plumber reconnect the service line to the main.

6. Residential and Commercial Rates

Rates shall be applicable to all customers served by the sanitary sewer system, regardless of location. Each user pays for the services provided by the City based upon use of the treatment works, as determined by the water meter(s) acceptable to the City. Consumption is in gallons, and dollar charges are per 1,000 gallons of water used. Minimum cost for customers that have a properly installed water meter, cost per month, including the first 1,000 gallons of water used ..... \$ 22.00

And in addition thereto, from 1,001 gallons up, cost per 1,000 gallons, per month .....\$ 1.10

7. Reconnect Fee Due to Nonpayment or Violation of City Code

The owner or occupant of any premises who desires to have sewer service reconnected due to nonpayment of services or for violation of the City Code must pay a fee of \$10.00 if service is reconnected during business hours. If service is reconnected after hours the fee shall be \$15.00. If service needs to be disconnected more often than once each year, the fee charged for reconnection shall be doubled. (Example: for the second reconnection during business hours shall be \$20.00 and after business hours shall be \$30.00; for the third reconnection during business hours shall be \$30.00 and after business hours shall be \$45.00; etc.)

8. Other Fees

Field Collection Call Charge \$ 2.50

Failure or Refusal to Allow Sewer Commissioner Access \$ 25.00

Amended by Ordinance 767 – September 4, 2007; Amended by Ordinance 781 – November 17, 2008; Amended by Ordinance 787 – August 5, 2008; Amended by Ordinance 829 – September 4, 2012

**170.56.13 Sewer; Bills; Collection**

1. Billing – Bills will be sent to the mailing address furnished by the customer. Failure to receive a bill will not release the customer from the obligation to pay for services provided. Bills are prepared by the City Treasurer and mailed to the customer on or near the first day of each month. The monthly bill is due and payable by the fifteenth (15<sup>th</sup>) day of each month, after which date the bill is considered delinquent. If the fifteenth falls on a Saturday, Sunday or holiday, the deadline for payment of the bill is extended to the next working day. A reminder / disconnect notice is sent to each customer whose bill is delinquent.

Each item on the utility bill is coded and an explanation of the code is shown on the face of the bill. The computerized billing system and employee procedures have been designed to eliminate as much error as possible from the billing process. It is the customer's responsibility to review carefully his / her monthly bill and to notify the City Treasurer immediately if the amount seems unreasonably low or high compared to past experience. If notified of a discrepancy, the City Treasurer will make every attempt to determine if an error occurred and re-compute the bill, if necessary. Bills for sewer furnished shall be completed monthly and are based on water usage for the month.

A customer may be eligible for an adjustment on their sewer bill in the event of a loss of water through abnormal conditions when the cause is deemed by the City to have been undetectable and not resulting from lack of normal maintenance by the customer.

2. Payment – Payment of utility bills may be made Monday through Friday 8 a.m. to 4:30 p.m. at the City Hall. A night depository is located on the west side of the City Hall for depositing payments at any time. Payments can be mailed to the Water / Sewer Department at 800 11<sup>th</sup> Street, PO Box 747, Stanton, NE 68779. The City of Stanton provides the service of automatic payments by completion of a form, which is available at the City Treasurer's office. Customers have an opportunity to keep sewer service accounts current through optional payment programs arranged through the City Treasurer.

The City will pursue a solution with customers temporarily unable to pay on time due to extenuating circumstances. The availability and terms of a deferred payment plan will be based on a review of the individual customer's situation, including: amount and age of delinquency, past payment record, ability to pay, and demonstration of good faith. Customers will be given available information on other resources for assistance, when appropriate. Service will not be terminated for inability to pay when termination would be especially dangerous to the health of a resident, as determined by the Water / Sewer Commissioner, so long as the customer has made application to appropriate agencies for assistance and payment is pending. Whenever it becomes necessary for a City representative to make a collection call at the customer's premise to enforce payment of a billing or deposit, a field collection call charge will be added as listed in Section 170.56.12.

3. Third Party Notice – Third party notice is available to all customers. Upon request, the City of Stanton will send a copy of any notice of service discontinuance to the person (third party) authorized. This service benefits the disabled, handicapped or elderly, since notice will ensure a third party is aware of possible discontinuance of utility service.

4. Landlord and Tenant Rules – The City of Stanton considers as its customer that person who makes application for utility service and who assumes responsibility for payment of service. Services will normally continue until the customer requests that it be discontinued or until such time that the customer does not adhere to the rules and regulations of service. Upon request of discontinuance of service by a tenant, the sewer service is cancelled when a final reading is received for the water service. Service will be reconnected when the new tenant applies for utility service and pays the deposit and reconnect fee. The utility will not be responsible for damage to property due to lack of heat, etc. It is the landlord's responsibility to monitor the occupancy of his / her property.

A contract may be entered into by any owner of rental property for the provision of uninterrupted service to such property between tenancies. The owner agrees in writing to pay for sewer service charges during this period and until a tenant assumes responsibility for sewer service under these policies.

Any unpaid delinquent sewer utility rents and charges shall be declared by the City of Stanton to be a lien upon the real estate for which the utility service was used. The service shall not be used until the unpaid delinquent rents have been paid in full.

The City Treasurer shall notify 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, when requested in writing by the landlord.

Amended by Ordinance 781 – January 17, 2008

#### **170.56.14 Sewer; 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 Sewer Commissioner, 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.



#### **170.56.15 Sewer; Unlawful Use**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the Municipal Sewer System:

- 1) Liquids or vapors having a temperature higher than one hundred fifty degrees (150) F.
- 2) Water or waste which may contain more than one hundred (100) parts per million by weight of fat, oil or grease.
- 3) Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas.
- 4) Garbage that has not been properly shredded.
- 5) Sand, mud, metal, rags, paper or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
- 6) Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant.
- 7) Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.
- 8) Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department.
- 9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

#### **170.56.16 Sewer; 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 Sewer Commissioner 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.

#### **170.56.17 Sewer; 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.

**170.56.18 Sewer; Lien**

All sewer rates shall be charged to and collected from the owner or occupant of the premises served and the same shall be a lien on such premises and real estate where used, and may be collected by the City at any time after the same becomes due by civil action in the courts.

If sewer bills are not paid within the payment period as approved by the City Council, the Water / Sewer Commissioner shall, as a first priority except for emergency situations of the City, proceed to disconnect the service to a customer. The Water / Sewer Commissioner may attempt to collect delinquent charges prior to disconnection of water service.

The City may refuse to furnish water service to the occupants of any premises against which the City holds a lien for sewer rent. The service shall not be connected until the unpaid delinquent sewer rents have been paid in full.

The Sewer Commissioner may report the names of owners of any premises served with sewer that are delinquent in the payment of their sewer bills or charges, showing the amount due for each delinquent bill, together with a description of the property upon, or for which the sewer has been supplied, and thereupon the City Council shall, by resolution, direct the City Clerk to file with the County Clerk a certified copy of such report and resolution, directing that the amount assessed against the different premises, as shown by such report, be collected as a special tax in the manner provided by law.

Amended by Ordinance 781 – January 17, 2008