

**Title XVII      Local Legislation**

**Updated through 12/10/2024  
Ordinance 961**

Title XVII Chapter 30 Elected Officials; Ordinances

**170.30.15 City Council; Number of Members and Wards**

The City Council shall consist of 4 members. Two members of the City Council shall be from each Ward.

The Municipality shall stand divided into the following wards as set forth herein:

1. Ward A – This ward shall embrace all the territory in the Municipality lying east of the center of Tenth (10<sup>th</sup>) Street and all territory in the Municipality lying south of the center of Cedar Street west of 10<sup>th</sup> Street. This shall be known at Ward A of the City of Stanton.
2. Ward B – This ward shall embrace all the territory in the Municipality lying west of the center of Tenth (10<sup>th</sup>) Street and north of the center of Cedar Street lying west of Tenth (10<sup>th</sup>) Street.

The Municipality shall redistrict as often as necessary using the most recent Federal Census to insure that each Ward is substantially equal in population.

Amended by Ordinance 930, dated December 14, 2021

**170.30.17 City Council; Standing Committees**

The following standing committees shall be appointed or reappointed each year until changed by the Governing Body:

- Nursing Home / Zoning
- Public Safety – Fire, Rescue, Police, Civil Defense
- Streets / Water / Sewer
- Recreation – Park, Pool, Library, Golf

## Title XVII Chapter 31 Appointed City Officials

### **Appointed City Officials**

#### **170.31.01 Appointment; Terms**

The Mayor, with the consent of the City Council, shall appoint the positions of: City Clerk, City Treasurer, City Attorney, Police Chief, Water Commissioner / City Supervisor, Sewer Commissioner, City Engineer, Park Superintendent, Golf Superintendent, Zoning Administrator, and Fire Chief.

The term of office for the above officers shall be until the end of the Mayor's term of office and until their successors are appointed and qualified, unless sooner removed.

The Mayor, with the consent of the City Council, shall appoint the members to all City Boards. The term of office for each Board member shall be as listed in each Board's Ordinance, unless sooner removed.

Added by Ordinance 821 – December 11, 2011

#### **170.31.50 City Administrator**

The City of Stanton is prohibited from employing a City Administrator until the population of Stanton reaches a level of 5,000 citizens. (By petition November 3, 1998)

#### **170.31.51 Municipal Physician**

The Municipal Physician shall be a member of the Board of Health of the Municipality, and perform the duties devolving upon him as the medical advisor of the said board. In all injuries where a liability may be asserted against the Municipality, the Municipal Physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He shall then report the results of his investigation with the name of the party injured, and all other persons who may have personal knowledge of the matter. He shall make all physical examinations and necessary laboratory tests incident thereto, and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property, and the state of health of the inhabitants therein, he shall have the right at all reasonable hours to go upon, and enter all premises, buildings or other structures in the Municipality. He shall perform such other duties as may be required of him by the laws of the State of Nebraska, and the ordinances of the Municipality. When ordered to do so by the Governing Body he shall disinfect, or fumigate the premises, or persons in or about the premises, when the premises are quarantined, and to call upon indigent sick persons, and perform other professional services at the direction of the Governing Body. The Municipal Physician shall receive as compensation for his services such sum as the Governing Body may from time to time set.

He shall receive no compensation for his services as a member of the Municipal Board of Health.

Title XVII Chapter 32 Departments, Boards, and Commissions

**Boards and Commissions**

**170.32.02 Planning Commission**

The Planning Commission shall consist of five (5) members.

**170.32.05 Park Board**

The Park Board shall consist of five (5) members.

**170.32.10 Golf Board**

The Golf Board shall consist of five (5) members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. The members of the board shall serve a one (1) year term of office, unless reappointed. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and Secretary. No member of the Governing Body shall serve as a member of the Golf Board while serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall hold at least one regular meeting each month.

All accounts against such Golf Fund shall be audited. Warrants against such Golf Fund shall be approved by the Chairman and paid by the City Treasurer out of such fund.

It shall be the duty of the Board to have general charge of the Elkhorn Acres Golf Course. The Board shall establish appropriate rules and regulations for the management, care and use of the same. A copy of all rules and regulations shall be filed with the City Clerk. All actions of the Board shall be subject to the review and supervision of the Mayor and City Council. All employees of the Municipality doing work in and for the Municipal Golf Course shall be under the supervision and direction of the Golf Board.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate.

### **170.32.11 Nursing Home Board**

The Nursing Home Board shall consist of five (5) members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. The members of the board shall serve a five (5) year term of office, unless reappointed, except that one member of the first Board shall serve for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, one for the term of four (4) years, and one for the term of five (5) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his / her successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Nursing Home Board while serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall hold at least one regular meeting each month.

All accounts against the Nursing Home Fund shall be audited. Warrants against such Nursing Home Funds shall be approved by the Chairman and paid by the City Treasurer out of such fund.

It shall be the duty of the Board to have general charge of the Stanton Nursing Home. The Board shall establish appropriate rules and regulations for the management, care and use of the same. A copy of all rules and regulations shall be filed with the City Clerk. All actions of the Board shall be subject to the review and supervision of the Mayor and City Council. All employees of the Municipality doing work in and for the Stanton Nursing Home shall be under the supervision of the Nursing Home Administrator and direction of the Nursing Home Board.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate.

### **170.32.12 Tree Board**

The Tree Board shall consist of five (5) members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. The members of the board shall serve a three (3) year term of office, unless reappointed, except that one member of the first Board shall serve for the term of one (1) year, two for the term of two (2) years, and two for the term of three (3) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his / her

successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Tree Home Board while serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall hold at least one regular meeting each month.

It shall be the duty of the Board to study, investigate, counsel and develop a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in the parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive tree plan for the City of Stanton. A copy of all rules and regulations shall be filed with the City Clerk. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work. All actions of the Board shall be subject to the review and supervision of the Mayor and City Council.

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees or trees on private grounds, as authorized in this ordinance.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make final decision.

### **170.32.13 Housing Authority**

The Housing Authority Board shall consist of five (5) members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. One member of the Board shall be a resident board member whose eligibility shall be based upon such person's status as a recipient of direct assistance from the agency. The members of the board shall serve a five (5) year term of office, unless reappointed, except that one member of the first Board shall serve for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, one for the term of four (4) years, and one for the term of five (5) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his / her successor shall be appointed

for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Housing Authority Board while serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet quarterly.

All accounts against the Housing Authority shall be audited. Warrants against such Funds shall be approved by the Chairman and paid out of such fund.

It shall be the duty of the Board to have general charge of the Housing Authority. The Board shall establish appropriate rules and regulations for the management, care and use of the same. A copy of all rules and regulations shall be filed with the City Clerk. All actions of the Board shall be subject to the review of the Mayor and City Council. All employees doing work in and for the Housing Authority shall be under the supervision and direction of the Housing Authority Board.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate.

The local housing authority established under prior state law and in existence on January 1, 2000 shall have continued existence as a housing agency under the Nebraska Housing Agency Act. The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act.

#### **170.32.14 Community Redevelopment Authority**

There is hereby created the Community Redevelopment Authority of the City of Stanton, Nebraska.

Five persons, all of whom shall be residents of the City of Stanton, shall constitute the Authority. The five members shall be selected by the Mayor and approved by the City Council. The members of the board shall serve a five (5) year term of office, unless reappointed, except that one member of the first Board shall serve for the term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, one for the term of four (4) years, and one for the term of five (5) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his / her successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.



The Authority shall select one of its members as Chairman and one as Vice Chairman. A total of three members of the Authority shall constitute a quorum for the transaction of business. The Authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be made available for public inspection during regular business hours.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Community Redevelopment Authority while serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business.

All income, revenue, profits, and other funds received by the Authority shall be deposited with the City Treasurer, as Ex Officio Treasurer of such Authority, without commingling such money with any other money under said Treasurer's control and disbursed by check or draft only upon warrants, orders, or requisitions by the Chairman of the Authority or other person authorized by the Authority, which shall state distinctly the purposes for which the same are drawn; and a permanent record shall be kept by the Authority of any such activity. A copy of all rules and regulations shall be filed with the City Clerk. All actions of the Board shall be subject to the review of the Mayor and City Council. All employees doing work in and for the Authority shall be under the supervision and direction of the Community Redevelopment Board.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate.

#### **170.32.15 Stanton Community Foundation**

The Stanton Community Foundation Board shall consist of five (5) members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. The members of the board shall serve a three (3) year term of office, unless reappointed, except that one member of the first Board shall serve for the term of one (1) year, two for the term of two (2) years, and two for the term of three (3) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his / her successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Stanton Community Foundation while

serving a term of office as a member of the Governing Body. The term of the Chairperson and Secretary shall be one (1) year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall hold at least one regular meeting each quarter.

All accounts against the Stanton Community Foundation shall be audited. Warrants against such Funds shall be approved by the Chairman and paid out of such fund.

It shall be the duty of the Board to have general charge of the Stanton Community Foundation. The Board shall establish appropriate rules and regulations for the management, care and use of the same. A copy of all rules and regulations shall be filed with the City Clerk. All actions of the Board shall be subject to the review of the Mayor and City Council.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate.

#### **170.32.16 Community Activities Board**

The Community Activities Board shall consist of three members, who shall be resident freeholders of the City and shall be appointed by the Governing Body. The members of the Board shall serve a three year term of office, unless re-appointed, except that one member of the first Board shall serve for the term of one (1) year, one member for the term of two (2) years, and one member for the term of three (3) years. All members shall hold office until their successors are appointed. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, at the discretion of the governing body, to give a bond in a sum set by Resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in August, 2011 and in January each year thereafter, the Board shall organize by selecting from their number a Chairman and a Secretary. No member of the Board shall serve in the capacity of both the Chairperson and the Secretary. No member of the Governing Body shall serve as a member of the Community Activities Board while serving a term of office as a member of the Governing Body. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as determined by the Board or as directed by the City Council.

It shall be the duty of the Board to investigate, plan, study and organize activities for the City of Stanton and to make recommendations to the Governing Body concerning community activities. The Board, when requested by the City Council, shall consider,

investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. All actions of the Board shall be subject to the review and supervision of the Mayor and City Council.

All accounts against the Community Activities Board's fund shall be audited. Warrants against such Community Activities Board's fund shall be approved by the Chairman and paid by the City Treasurer out of such fund.

The Board shall be responsible for making such reports and performing such other duties as the governing body may, from time to time, designate.

Added by Ordinance 817 – August 2, 2011

Title XVII Chapter 33 Administration; General Provisions

**Meetings**

**170.33.04 Council Meetings; When**

Regular meetings shall be held on the second (2<sup>nd</sup>) Tuesday of each month at the hour of seven (7:00) o'clock p.m.

Amended by Ordinance 763 – May 17, 2007; Amended by Ordinance 811 – December 7, 2010; Amended by Ordinance 908 – December 12, 2019

**170.33.13 Minutes; Recording Proceedings**

The City Clerk may record the proceedings of the City Council meetings on magnetic tape for the purpose of assisting in the preparation of the minutes of the proceedings. Said magnetically recorded tapes shall not be considered public records.

The State Records Retention Schedule, General Records Section 24-1-23-1 states: Video / Audio Recordings: Dispose of 5 years after meeting minutes have been approved. Tapes will be available for inspection at City Hall until the written minutes are approved. Approved by Ordinance 826 – June 5, 2012

**Bonds and Oaths**

**170.33.30 Bonds; Amount**

The City Council shall require a \$15,000 bond for the positions of City Clerk and City Treasurer. No other positions within the City shall require a bond. The cost of the City Clerk bond shall be paid out of the General Fund and the cost of the City Treasurer bond shall be paid out of the Utility Fund.

**Compensation**

**170.33.45 Municipal Officials; Wages**

The salaries of the elected and appointed officials of the City of Stanton are hereby fixed in such amount as the City Council shall determine at the time of appointment and said amount may be paid semi-monthly, monthly, quarterly, or annually, at the discretion of the City Council. A review of salaries shall be made yearly for all appointed officials. Claims for the salaries of the several officers and employees as fixed herein need not be verified as other claims against the City and warrants for the amount due shall be issued semi-monthly as a matter of course.

Mayor	\$3,000 per year plus \$25 for special meetings
Council	\$2,000 per year plus \$25 for special meetings
City Clerk/Treasurer, Nancy Morfeld	\$32.99 per hour (working 32 hours per week)
Deputy Clerk/Treasurer, Alisha Claussen	\$20.00 per hour
City Superintendent, Ron Klinetobe	\$30.77 per hour

Street Superintendent, Brian Wehner	\$27.08 per hour (plus \$.75 for sewer certification)
Utility Worker, Dexter Patterson	\$18.50 per hour (plus \$1.50 for sewer certification, \$1.00 water certification, \$1.00 CDL, \$1.00 Pesticide, \$1.00 90 days)
Golf Course Superintendent, Scott Molle	\$57,018.04 yearly
Librarian, Tami Barth	\$18.66 per hour (working 29 hours per week)
Assistant Librarian, Dorothy Fuller	\$14.75 per hour (working 24 hours per week)
Fire Chief, Kory Krutz	\$2,000 per year
Attorney, Cory Locke	\$125.00 per hour
Part time help – set as needed by City Clerk with mayor approval; Seasonal help to receive \$.25 increase if returning from prior year in addition to minimum wage increase	

The City Council shall have the right to compensate the Municipal Attorney for out of pocket fees, additional services and extraordinary services on such terms in excess of the hourly rate as the City Council and the Municipal Attorney may agree. The City Council shall have the right to employ additional legal assistance as may be necessary out of the funds of the Municipality.

Amended by Ordinance 752 – July 11, 2006; Amended by Ordinance 762 – March 6, 2007; Amended by Ordinance 764 – July 19, 2007; Amended by Ordinance 786 – August 5, 2008; Amended by Ordinance 798 – August 4, 2009; Amended by Ordinance 818 – August 2, 2011; Amended by Ordinance 827 – September 4, 2012; Amended by Ordinance 832 – July 2, 2013; Amended by Ordinance 834 – September 3, 2013; Amended by Ordinance 841 – July 1, 2014; Amended by Ordinance 848 – September 1, 2015, Amended by Ordinance 864 – August 2, 2016; Amended by Ordinance 875 – August 1, 2017; Amended by Ordinance 887 – September 4, 2018; Amended by Ordinance 907 – September 3, 2019; Amended by Ordinance 913 – August 11, 2020; Amended by Ordinance 925- August 10, 2021; Amended by Ordinance 933 – July 12, 2022; Amended by Ordinance 940 – August 8, 2023; Amended by Ordinance 958 – September 10, 2024

## Seal

### 170.33.50 Corporate Seal

The Official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription, “Corporate Seal, City of Stanton, Stanton County, Nebraska”. The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances and all other official papers issued by order of the Governing Body and countersigned by the Municipal Clerk.

**170.33.51 Master Fee Schedule**

1. The City Council may, by adopting a resolution by majority vote of the elected members of the city council, fix the appropriate fees and taxes for goods and services provided by the city, which fees and taxes will be paid for by the users of, or applicants for, said goods and services, and shall be known as the Master Fee Schedule. Any ordinance establishing a fee without reference to the Master Fee Schedule shall have control over the Master Fee Schedule. The city council may add or delete fees and taxes by appropriate resolution from time to time as it sees fit.
2. The City Clerk shall review annually the fees collected pursuant to the Master Fee Schedule, and present a report to the city council at its first meeting in the month of October, which shall include an update of the revenues collected over the preceding year.

Approved by Ordinance 855 – December 1, 2015

## Title XVII Chapter 34 Elections

### Elections

#### 170.34.50 Elections; Tie Votes

In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

#### 170.34.51 Initiative and Referendum (Refer to State Statute for current law)

##### 1. DEFINITIONS

The powers of initiative and referendum are reserved to the qualified electors of the Municipality by State law. This Article shall govern the use of initiative to enact, and the use of referendum to amend or repeal measures affecting the governance of the Municipality. For purposes of this Article, the definitions set out in this Section, unless the context otherwise requires shall apply.

CIRCULATOR shall mean any person who solicits signatures for an initiative or referendum petition.

CLERK shall mean the Municipal Clerk or the Municipal Official in charge of elections.

GOVERNING BODY shall mean the legislative authority of the Municipality.

MEASURE shall mean an ordinance, charter provision, or resolution which is within the legislative authority of the Governing Body to pass, and which is not excluded from the operation of referendum by the exceptions in Section 12.

MUNICIPALITY shall mean the City of Stanton, Nebraska.

PETITION shall mean a document authorized for circulation pursuant to Section 2, or any copy of such document.

PLACE OF RESIDENCE shall mean the street and number of the residence. If there is no street and number for the residence, the place of residence shall mean the mailing address.

PROSPECTIVE PETITION shall mean a sample document containing the information necessary for a completed petition, including a sample signature sheet, which has not yet been authorized for circulation.

QUALIFIED ELECTORS shall mean all persons registered to vote, at the time the prospective petition is filed, in the jurisdiction governed or to be governed by any measure sought to be enacted by initiative, or altered or repealed by referendum.

RESIDENCE shall mean that place at which a person has established his or her home, where he or she is habitually present, and to which, when he or she departs, he or she intends to return.

SIGNATURE SHEET shall mean a sheet of paper which is part of a petition and which is signed by persons wishing to support the petition effort.

##### 2. PETITIONS, BALLOTS

Before circulating an initiative or referendum petition, the petitioner shall file with the Clerk a prospective petition. The Clerk shall date the prospective petition immediately upon its receipt. The Clerk shall verify that the prospective petition is in proper form and shall provide a ballot title for the initiative or referendum proposal, as described below. If the prospective petition is in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within three (3) working days from the date the prospective petition was filed. If the form of the prospective petition is incorrect, the Clerk shall, within three (3) working days from the date the prospective petition was filed, inform the petitioner of necessary changes and request that those changes be made. When the requested changes have been made and the revised prospective petition has been submitted to the Clerk in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within two (2) working days from the receipt of the properly revised petition. Verification by the Clerk that the prospective petition is in proper form does not constitute an admission by the Clerk, Governing Body, or Municipality that the measure is subject to referendum or limited referendum or that the measure may be enacted by initiative.

The ballot title of any measure to be initiated or referred shall consist of:

A. A briefly-worded caption by which the measure is commonly known or which accurately summarizes the measure;

B. A briefly-worded question which plainly states the purpose of the measure, and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

C. A concise and impartial statement, of not more than seventy-five (75) words, of the chief purpose of the measure.

The ballots used when voting on an initiative or referendum proposal shall contain the entire ballot title. Proposals for initiative and referendum shall be submitted on separate ballots and the ballots shall be printed in lower case ten point type, except that the caption shall be in bold face type. All initiative and referendum measures shall be submitted in a nonpartisan manner without indicating or suggesting on the ballot that they have or have not been approved or endorsed by any political party or organization.

### 3. PETITION FORM

A. The forms designed by the Secretary of State to be used for initiative and referendum petitions shall be made available to the public by the City Clerk, and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the City Clerk. Chief petitioners or circulators preparing prospective petitions shall be responsible for making copies of the petition for circulation after authorization for circulation has been granted.

B. Each petition presented for signature must be identical to the petition authorized for circulation by the City Clerk. Every petition shall contain the name and place of residence of not more than three persons as chief petitioners or sponsors of the measure. The chief petitioners or sponsors shall be qualified electors of the municipality potentially affected by the initiative or referendum proposal. Every petition shall contain the caption



and the statement specified to be part of the ballot title. When a special election is being requested, such fact shall be stated on every petition.

#### 4. SIGNATURE SHEETS

Every signature sheet shall:

1. Contain the caption required in subdivision A of Section 2 of this Article;
2. Be part of a complete and authorized petition when presented to potential signatories;
3. Provide space for signatories to write their names, residential addresses, and the date of signing; and
4. Contain a statement that anyone falsifying information on a signature sheet shall be subject to penalties provided by law.

No more than twenty-five (25) signatures on each signature sheet shall be counted. In order to be valid, a signature shall be that of an individual registered to vote, at the time of signing, in the jurisdiction governed or to be governed by the measure addressed in the petition. A signature shall include the signatory's full name, his or her place of residence, and the date of signing. No signatory shall use ditto marks as a means of affixing his or her place of residence or date on any petition. A wife shall not use her husband's Christian or given name when she signs a petition and she shall sign her own Christian or given name along with her surname.

#### 5. PETITIONS, AFFIDAVIT

Included in the contents of every petition shall be an affidavit, to be signed by the circulator in the presence of a notary, which states that the circulator is a qualified elector, that each person who signed the petition did so in the presence of the circulator on the date indicated, and that the circulator believes that each signatory was registered to vote in the affected jurisdiction at the time he or she signed the petition and that the circulator believes that each signatory has stated his or her name and place of residence correctly.

#### 6. PETITIONS, NOTIFICATION

A. Signed petitions shall be filed with the Clerk for signature verification. Upon the filing of a petition, and passage of a resolution by the Governing Body, the Municipality and the County Clerk or Election Commissioner of the County in which such Municipality is located may by mutual agreement provide that the County Clerk or Election Commissioner shall ascertain whether the petition is signed by the requisite number of voters. The Municipality shall reimburse the County for any costs incurred by the County Clerk or Election Commissioner. When the verifying official has determined that one hundred (100%) per cent of the necessary signatures required by this Article have been obtained, he or she shall notify the Governing Body of that fact, and shall immediately forward to the Governing Body a copy of the petition.

B. In order for an initiative or referendum proposal to be submitted to the Governing Body and the voters, the necessary signatures shall be on file with the Clerk within six (6) months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void.

#### 7. FREQUENCY OF OCCURRENCE

The same measure, either in form or in essential substance, may not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once

every two (2) years. No attempt to repeal or alter an existing measure or portion of such measure by referendum petition may be made within two (2) years from the last attempt to do the same. Such prohibition shall apply only when the subsequent attempt to repeal or alter is designed to accomplish the same, or essentially the same purpose as the previous attempt.

#### 8. DIRECT VOTE

The Executive Officer and Governing Body of the Municipality may at any time, by resolution, provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto, if necessary, or enacted by the electors under this Article and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the Clerk shall cause such measure to be submitted to a direct vote of the electors, at the time specified in such resolution and in the manner provided in this Article for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast.

#### 9. ELECTIONS

The Clerk shall call elections under this Article, either at a special election or regularly scheduled primary or general election. He or she shall cause notice of every such election to be printed in one (1) or more newspapers of general circulation in such Municipality at least once not less than thirty (30) days prior to such election and also posted in the office of the Clerk and in at least three (3) conspicuous places in such Municipality at least thirty (30) days prior to such election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at (identify polling place or precinct) of the Municipality of \_\_\_\_\_, Nebraska, an election will be held at which there will be submitted to the electors of the Municipality for their approval or rejection, the following measures, propositions, or issues: \_\_\_\_\_ (naming measures, propositions, or issues), which election will be open at 8:00 a.m. and will continue open until 8:00 p.m., of the same day.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Clerk of the City / Village of \_\_\_\_\_, Nebraska

The Clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this Section shall designate where such a copy in pamphlet form may be obtained.

#### 10. BALLOTS

All ballots for use in special elections under this Article shall be prepared by the Clerk and furnished by the Governing Body, unless the Governing Body contracts with the County for such service, and shall be in form the same as provided by law for election of the Executive Officer and Governing Body of such Municipality. When ordinances under such sections are submitted to the electors at a regularly scheduled primary or general election they shall be placed upon the official ballots as provided in this Article.

## 11. INITIATIVE

A. The power of initiative allows citizens the right to enact measures affecting the governance of the Municipality. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.

B. An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law, or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to section 12.

C. Whenever an initiative petition bearing signatures equal in number to at least fifteen percent (15%) of the qualified electors of the Municipality has been filed with the Clerk and verified, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary. If the Governing Body fails to pass the measure without amendment, including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body, shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

D. Whenever an initiative petition bearing signatures equal in number to at least twenty percent (20%) of the qualified electors which requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the Clerk and verified pursuant to section 6, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary. If the Governing Body fails to pass the measure, without amendment, including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. The date of such election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body received notification pursuant to section 6.

E. If a majority of voters voting on the Initiative measure shall vote in favor of such measure, it shall become a valid and binding measure of the Municipality thirty (30) days after certification of the election results, unless the Governing Body by resolution orders an earlier effective date or the measure itself provides for a later effective date, which resolution shall not be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two-thirds (2/3) majority of the members of the Governing Body. No such attempt to amend or repeal shall be made within one (1) year from the passage of the measure by the electors.

## 12. REFERENDUM LIMITATIONS

(A) The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of the municipality.

(B) The following measures shall not be subject to referendum or limited referendum:

(1) Measures necessary to carry out contractual obligations including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(2) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(3) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(4) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the Governing Body and approved by its Executive Officer;

(5) Measures relating to projects for which notice has been given as provided for in division (E) of this section for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(6) Resolutions directing the Municipal Clerk to cause measures to be submitted to a vote of the people at a special election as provided in Neb. RS 18-2524 and 18-2529;

(7) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in Neb. RS 18-2526;

(8) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the municipality and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness;

(9) Measures that amend, supplement, change, modify, or repeal a zoning regulation, restriction, or boundary and are subject to protest as provided in Neb. RS 19-905;

(10) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, promotion, demotion, or termination of personnel; and

(11) Measures relating to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(C) The following measures shall be subject to limited referendum:

(1) Measures in furtherance of a policy of the municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(2) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs of public

ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects;

(3) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal employees other than the members of the Governing Body and the Executive Officer; and

(4) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the municipality except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(D) Measures subject to limited referendum shall ordinarily take effect 30 days after their passage by the Governing Body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to Neb. RS 18-2518 within 30 days after such measure's passage by the Governing Body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (E) (3) of this section. If the necessary number of signatures as provided in Neb. RS 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(E) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, the municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this Article by the following procedure:

(1) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the municipality;

(2) By passage of a measure approving the project, including an override of a veto, if necessary, at a meeting held on any date subsequent to the date of hearing; and

(3) After passage of such measure, including an override of a veto, if necessary, by giving notice as follows:

(a) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of 30 days after the first publication of such notice and that, after such 30 day period, the project and measures related to it will not be subject to any further right of referendum; and

(b) For projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the

engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of 30 days after the first publication of such notice and that, after such 30 day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by this subdivision shall be published in at least one newspaper of general circulation within the municipality and shall be published not later than 15 days after passage by the Governing Body, including an override of a veto, if necessary, of a measure approving the project.

The right of the municipality to hold such a hearing prior to the passage of the measure by the Governing Body and give such notice after passage of such measure by the Governing Body to obtain exemption for any particular project in a manner described in this division is optional, and the municipality shall not be required to hold such a hearing or give such notice for any particular project.

(F) Nothing in divisions (C) and (E) of this section shall be construed as subjecting to limited referendum any measure related to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(G) All measures, except as provided in divisions (B), (C), and (E) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the Governing Body, including an override of a veto, if necessary, or enacted by the voters by initiative.

### 13. REFERENDUM, PASSAGE

A. Whenever a referendum petition bearing signatures equal in number to at least fifteen percent (15%) of the qualified electors of the Municipality has been filed with the Clerk and verified pursuant to section 6, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum, including an override of any veto, if necessary, within thirty (30) days from the date the Governing Body receives notification pursuant to section 6, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality the Governing Body shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

B. Whenever a referendum petition bearing signatures equal in number to at least twenty percent (20%) of the qualified voters of the Municipality which requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the Clerk and verified, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty (30) days from the date the Governing Body received

notification. The date of such special election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body received notification.

C. If a majority of the electors voting on the referendum measure shall vote in favor of such measure, the law subject to the referendum shall be repealed or amended. A measure repealed or amended by referendum shall not be reenacted or returned to its original form except by a two-thirds (2/3) majority of the members of the Governing Body. No such attempt to reenact or return the measure to its original form shall be made within one (1) year of the repeal or amendment of the measure by the electors. If the referendum measure does not receive a majority vote, the ordinance shall immediately become effective or remain in effect.

#### 14. VIOLATIONS, PENALTIES

A. Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under sections 18-2501 through 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of three hundred dollars (\$300.00) on the fine.

B. Whoever falsely makes or willfully destroys a petition or any part thereof, or signs a false name thereto, or signs or files any petition knowing the same or any part thereof to be falsely made, or suppresses any petition, or any part thereof, which has been duly filed, pursuant to sections 18-2501 through 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of five hundred dollars (\$500.00) on the fine.

C. Whoever signs any petition under sections 18-2501 through 18-2531 RS Neb. knowing that he or she is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such petition, or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a limit of three hundred dollars (\$300.00) on the fine.

D. Any Clerk who willfully refuses to comply with the provisions of sections 18-2501 through 18-2531 RS Neb. or who willfully causes unreasonable delay in the execution of his or her duties under such sections shall be guilty of a Class I misdemeanor but imprisonment shall not be included as part of the punishment.

#### 15. APPLICABILITY

The provisions of the statutes of the State of Nebraska relating to election officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of election, and recounts of votes, so far as applicable, shall apply to voting on ordinances by the electors pursuant to this Article.

Nothing in this Article shall apply to procedures for initiatives or referendums provided in Nebraska Revised Statutes sections 18-412 and 18-412.02.

#### 16. DECLARATORY JUDGMENT

A. The city or any chief petitioner may seek a declaratory judgment regarding any questions arising under this Article, as it may be from time to time amended, including, but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a chief petitioner seeks a

declaratory judgment, the city shall be served by personal, residence or certified mail service upon the chief executive officer or City Clerk. If the city seeks a declaratory judgment, only the chief petitioner or chief petitioners shall be required to be served.

B. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the City Clerk for signature verification until 40 days from the date the City Council received notification from the verifying official that the necessary signatures have been obtained. If the city does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative, until after it has received such notification, it shall be required to proceed with the initiative or referendum election in accordance with the provisions of this Article. If the city does file such an action prior to receiving such notification, it shall not be required to proceed to hold such election until a final decision has been rendered in the action.

C. Any action for a declaratory judgment shall be governed generally by Neb. RS 25-21,149 through 25-21,164, except that only the city and each chief petitioner shall be required to be made parties. The city, City Clerk, City Council, or any of the city's officers shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this section shall be given priority in scheduling hearings and in disposition as determined by the court. When an action is brought to determine whether the measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five days prior to the election.

D. The provisions of this section relating to declaratory judgments shall not be construed as limiting, by construed as supplemental and additional to other rights and remedies conferred by law.



Title XVII Chapter 35 Finance and Revenue

**General Provisions**

**170.35.05 Claims and Accounts Payable**

- (A) (1) All liquidated and un-liquidated claims and accounts payable against the city shall:
- a. Be presented in writing
  - b. State the name and address of the claimant and the amount of the claim; and
  - c. Fully and accurately identify the items or services for which payment is claimed or the time, place, nature and circumstances giving rise to the claim.
- (2) As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in Neb. RS 13-903, the claimant shall file such claim within 90 days of the accrual of the claim in the office of the City Clerk.
- (3) The City Clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within 5 days if the claim is disallowed by the City Council.
- (4) No costs shall be recovered against the city in any action brought against it for any claim or for any claim allowed in part which has not been presented to the City Council to be audited, unless the recovery is for a greater sum than the amount allowed with the interest due.
- (B) Upon the allowance of claims by the City Council, the order for their payment shall specify the particular fund or appropriation out of which they are payable as specified in the adopted budget statement; and no order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn, unless there is sufficient money in the treasury at the credit of the proper fund for its payment; provided that if there exists at the time such warrant is drawn, obligated funds from the federal government or the state, or both from the federal government and the state, for the general purpose or purposes of such warrant, then such warrant may be drawn in excess of 85% of the current levy for the purpose for which it is drawn to the additional extent of 100% of such obligated federal or state funds. No claim shall be audited or allowed unless an order or warrant for the payment thereof may legally be drawn. (Neb RS 17-715)
- (C) (1) Unless otherwise provided for it shall be the normal policy to submit a claim to the City Council for approval before payment is allowed.
- (2) Specific claims authorized for payment, prior to Council approval, without further action are:
- a. City employee payroll and all associated state and federal taxes
  - b. City employee benefits including pension, medical, and 125 cafeteria plans
  - c. Utilities and postage

- d. Contractual obligations of the City for which material, labor and services have been received
  - e. Claims offering a discount for early payment
  - f. Claims incurring a penalty for late payment
  - g. Claims which would become delinquent
- (3) Other claims may be prepaid when authorized by the initials or signature of all of the following:
- a. City Clerk or Treasurer
  - b. Mayor or Council President
- Approved by Ordinance 825 – May 1, 2012

**170.35.60 Intergovernmental Risk Management; Authority**

A. Public Agency means any county, city, village, school district, public power district, rural fire district, or other political subdivision of this state, the State of Nebraska, the University of Nebraska, and any corporation whose primary function is to act as an instrumentality or agency of the State of Nebraska. (Neb. RS 44-4303)

B. The City Council and any one or more public agencies may make and execute an agreement providing for joint and cooperative action in accordance with the Intergovernmental Risk Management Act to form, become members of, and operate a risk management pool for the purpose of providing to members risk management services and insurance coverage in the form of group self-insurance or standard insurance, including any combination of group self-insurance and standard insurance, to protect members against losses arising from any of the following:

- (1) General liability;
- (2) Damage, destruction, or loss of real or personal property, including, but not limited to, loss of use or occupancy, and loss of income or extra expense resulting from loss of use or occupancy;
- (3) Errors and omissions liability; and
- (4) Workers' compensation liability.

C. The City Council and any one or more public agencies, other than school districts and educational service units, may make and execute an agreement providing for joint and cooperative action in accordance with the act to form, become members of, and operate a risk management pool for the purpose of providing to members risk management services and insurance coverage in the form of group self-insurance or standard insurance, including any combination of group self-insurance and standard insurance, to provide health, dental, accident and life insurance to member's employees and officers.

**170.35.70 Sales and Use Tax; One and One Half Percent Imposed**

Pursuant to the approval of the electors of the City of Stanton, Nebraska, at the General Election held on November 4, 2014, the City of Stanton does hereby impose a Sales and Use Tax of one and one half percent (1.5%) upon the same transactions within the City

of Stanton, Nebraska on which the State of Nebraska is authorized to impose a tax. (Ref 77-27,142) Added by Ordinance 843 – November 17, 2014

**170.35.71 Sales and Use Tax; Administration As Provided by State Law**

The administration of the sales and use tax imposed by this ordinance, including the ascertainment, assessment, collection, distribution and making of returns for said tax, shall be by the Nebraska Tax Commissioner pursuant to section 77-17,143 R.R.S. 1943. Added by Ordinance 843 – November 17, 2014

**170.35.72 Sales and Use Tax; Use of Proceeds**

The proceeds of the sales and use taxes imposed by 170.35.70 of this article of the Municipal Code of the City of Stanton, Nebraska shall be used specifically for the repair of streets and bridges, including the water and sewer mains underneath the street, curb and gutter along the streets, and funding the payment of capital improvements for streets which shall include the payment of interest and principal of any bonds and the principal and interest of any loan funds used to finance the above street projects. Added by Ordinance 843 – November 17, 2014

**170.35.73 Sales and Use Tax; Deposit; General Fund**

The proceeds of the sales and use tax levy by the City of Stanton, shall be deposited in the general fund of the City of Stanton. (Ref. 77-27,146) Added by Ordinance 843 – November 17, 2014

**170.35.74 Sales and Use Tax; Term of Tax**

The sales and use tax imposed by 170.35.70 of this article of the Municipal Code of the City of Stanton, Nebraska shall become effective April 1, 2015, and shall continue in perpetuity unless repealed by the voters of the City of Stanton, Nebraska. Added by Ordinance 843 – November 17, 2014

**170.35.75 Sales and Use Tax; Certification**

A certified copy of this Ordinance, a certified map of the City of Stanton clearly showing the boundaries of said City of Stanton, a certified copy of the election results from the county election commissioner; and a certified statement from the county election commissioner that the question of imposing a city tax has not failed in the previous 23 months, incorporated by reference herein, was filed with the Tax Commissioner on or before December 2, 2014. Added by Ordinance 843 – November 17, 2014

## **Water Regulations**

### **170.55.01 Water; Operation and Funding**

The Municipality owns and operates the City of Stanton Water System. All revenue collected shall be known as the Water 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.

The Water Commissioner shall have the direct management and control of the City of Stanton Water System and shall faithfully carry out the duties of his/her office. The Water Commissioner shall have the authority to enforce the rules and regulations for the efficient management of the Water System, subject to the supervision and review of the Governing Body. It shall be the duty of the Water Commissioner to report to the Governing Body the affairs of the water 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 761 – February 6, 2007

### **170.55.02 Water; Definitions**

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

*Backflow* – The term “backflow” means any reversal or unwanted flow of non-potable water or substance from any industrial, domestic or health system into the potable water system.

*Main* – The term “main” is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the City of Stanton.

*Separate Premise* – The term “separate premise” is hereby defined to be more than one (1) customer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

*Service Pipe* – The term “service pipe” is hereby defined to be any pipe extending from the shut-off or curb stop at or near the lot line to and beyond the property line of the customer to the location on the premise where the water is to be dispersed.

*Supply Pipe* – The term “supply pipe” is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the customer’s premise where the shut-off or curb stop is located.

*Water Well* – The term “water well” is hereby defined to mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted, or otherwise constructed for the purposes of the exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, injection of water into the underground water, or extracting water from the ground. The water well shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals or products mined or quarried or inserting media to re-pressure oil or natural gas bearing formation.

Amended by Ordinance 761 – February 6, 2007

### **170.55.03 Water; Application for Service**

Every person desiring a supply of water from the City of Stanton Water System shall make application therefore to the City Treasurer upon forms furnished for such purpose. Fees and charges as listed in Section 170.55.14 shall be paid in person or billed with the next regular water 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.

Water will not be supplied into any house or service pipe except upon the order of the Water Commissioner, and plumbers are prohibited from turning the water into any service pipe except on the order of the Water Commissioner; provided that this rule shall not be construed to prevent licensed plumbers from admitting water to test pipes, but for that purpose only. The Water Commissioner shall not order water to be supplied into any house or service pipe, whether new or existing construction, until the water system to be served has been inspected and approved by the City of Stanton Water Commissioner.

Amended by Ordinance 761 – February 6, 2007

### **170.55.04 Water; Contract**

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

All customers of the City of Stanton Water System shall permit the Water Commissioner, or a person designated by the Water Commissioner, during reasonable daytime hours, to enter their premises or buildings for the purpose of reading or testing any meter, or to examine and repair the pipes, meters or other fixtures.

If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Board may hereafter adopt, the Water Commissioner or his / her agent, may cut off or disconnect the water service from the building or premise or place of such violation. When water has been turned off from any customer, the customer shall not turn it on or permit it to be turned on without the consent of the Water Commissioner. In the event the customer or property owner turns on the water or permits the water to be turned on by any other person without the prior written permission of the Water Commissioner, a fee provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent. No further connection for water service to said building, premise, or place shall again be made except by order of said Water Commissioner or his / her agent and on payment of the expenses of shutting off and turning on the same; provided there is a satisfactory understanding with the offending party that no further cause for complaint shall arise.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.05 Water; Installation Procedures; Generally**

The City shall furnish and install the water supply pipe from the main to within one (1) foot of the property line and such supply pipe shall include the main tap, corporation stop, valves, pipe, curb stop, and stop box, and such installation shall include all labor for excavating and laying the same at the expense of the City. If a larger supply line is requested by the customer, the customer shall pay the difference in cost for the City to install. The customer shall install the service line from the curb stop to the residence at the expense of the customer. The customer shall obtain written permission from the City Superintendent before the commencement of any such installation.

Whenever it shall be necessary to cut into, excavate in, or remove any portion of the paving in any street in the City or any area within 15 feet from the center line of any street to serve any lot with water, or to repair or relay any supply or service pipe connecting any water main with any lot, the consent of the Water Commissioner shall be first secured and the paving shall be restored to its former condition. The 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 regarding paving. The necessary repairs and the costs thereof including but not limited to labor, materials, and cost of renting any equipment for any area within 15 feet from the center line of any City street 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.

After supply pipes are laid and refilling the opening, the earth shall be laid in layers of not more than 9 inches in depth and each layer thoroughly tamped and settled with water. The streets, sidewalks and pavement shall be restored to as good of a condition as before the excavation, and all dirt, stones, or rubbish shall be removed immediately upon completing the work.

Amended by Ordinance 749, June 13, 2006, Amended by Ordinance 761 – February 6, 2007

#### **170.55.06 Water; Curb Stops; Generally**

Every water supply pipe shall be provided with an easily accessible curb stop for each customer, which is situated so that the water can be conveniently shut off. Curb stops shall be of such patterns as shall be approved by the Water Commissioner.

Curb stops shall be placed in the supply pipe on the terrace one (1) foot from the property line, and protected by a valve box reaching from the top of the curb stop to the surface of the ground, of suitable size to admit a valve key for turning on and off the stop, and with a cast iron cover, having the letter "W" marked thereon, visible and even with the pavement, sidewalk, or top of the ground.

The property owner is hereby required to keep said curb stop in good repair and if said property owner should fail to do so, then the Water Commissioner is hereby authorized to make the necessary repairs. The cost of said repairs and a fee as provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent. Where the curb stop and / or service pipe for a customer is currently located in a terrace adjacent to the property owner by someone other than the customer, or where the water service pipe of a customer is located on the property of another, the customer shall remain responsible for the maintenance of the water service line as set forth in section 170.55.07 and section 170.55.11 of this Code. The customer shall also be responsible for the replacement and repair of any paving, concrete, fencing, sod, or other landscaping on the property of another or on the terrace adjoining the property of another, which is damaged or destroyed in performing maintenance on the curb stop or water service pipe as required herein.

At the property owner's option, the City shall correct the location of the curb stop, to place on the terrace of the property owner, as repairs are needed. The fees from section 170.55.13, 1 b shall apply to all relocations of curb stops.

When a supply pipe serves two (2) or more distinct premises or tenements there shall be provided a separate curb stop for each premise or tenement so the water supply may be shut off from one without interfering with the supply to others.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.07 Water; Service Pipes; Generally**

The customer shall install the service pipe from the curb stop to the premises. The service pipe shall withstand a minimum pressure of 160 PSI. All service pipes shall be laid under the surface of the ground with no less than five feet of earth cover, and in all cases shall be so protected as to prevent rupture by freezing. No person shall be permitted to make or have made any taps or connection with any water service pipe between the water meter and the curb stop by the property line. The approval of the materials to be used shall be made by the Water Commissioner.

All new installations or repairs of service pipes require two (2) inspections by the Water 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. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Water Commissioner; provided that the said rules, regulations and specifications have been reviewed and approved by the Governing Body. Any decision of the Water Commissioner may be appealed to the City Council.

All persons abandoning any water service pipe shall have a licensed plumber turn off the line at the curb stop and shall cut and crimp the service pipe as close as possible to, not to exceed one foot from, the curb stop. The Water Commissioner shall be notified in writing whenever a service pipe is to be abandoned and shall be permitted to inspect and approve all work done in connection with such abandonment. The Water Commissioner may disconnect the supply line from the curb stop to the tap at the water main, at his / her discretion. The Water Commissioner will remove the water meter from the premises. Any person failing to abandon a service pipe in compliance with this section shall be guilty of a violation and shall pay for the costs of properly shutting off, closing or crimping any abandoned service pipe and shall be liable for any damages to municipal property caused by the improperly abandoned service pipe. The Water Commissioner may approve alternate means of closing and abandoning service pipes upon request if the foregoing procedure is impractical. To have an abandoned service pipe reconnected to the City of Stanton Water System a service connection charge (tap fee) and any additional fees will be charged to the property owner.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.08 Water; Meters; Generally**

All water usage furnished through the water system of the City shall be measured by a water meter, except as otherwise permitted. All water meters used in connection with the water system of the City shall be of standard manufacture, approved by the Water Commissioner, and put in place, set, sealed, repaired or removed by the Water Commissioner or his / her designated agents only. In the event any person puts in place, sets, seals, repairs, damages or removes any water meter without the Water



Commissioner's prior written consent or permits any other person to put in place, set, seal repair, damage or remove any water meter without the Water Commissioner's prior written consent, a fee as provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent.

A standard, up to one inch (1"), water meter shall be installed and furnished by the City for each dwelling at no charge to the property owner. For larger meters installed there shall be a charge of the difference between the normal cost of a standard meter and the cost of a larger meter to be paid by the property owner. When a customer's service requires application of more than one type of rate, one meter will be installed for each applied rate. Each meter will be billed separately. The customer will be responsible for purchasing and installing any additional meters desired for customer purposes, and for placing such meters adjacent to the City meter. The cost of replacing a special meter shall be the customer's responsibility. Meters shall be installed by a licensed plumber, with the location approved by the Water Commissioner.

No person other than the Water Commissioner or his / her designated agent shall be permitted to set meters. All meters so set and installed shall be kept in repair at the expense of the City unless the same are damaged by the negligence or willful conduct or acts of the customer. The meter shall be replaced only by the City when the same is no longer serviceable. All meters shall be set in a horizontal position. Water meters shall be in an easily accessible position so that they may be read, tested, or repaired easily by the Water Commissioner. Water meters in mobile home courts shall be installed in meter pits. Water meters will be installed just prior to building occupancy and it will be the responsibility of the developer to request the installation.

The Water Commissioner shall, whenever it is inconvenient to make readings, repairs or testing of any meter, be empowered to give the customer ten (10) days' notice in writing requiring a licensed plumber to reset said meter. If, following notice, the customer fails to reset the meter, then the Water Commissioner or his / her designated agent shall reset, or cause to be reset, said meter, and the cost thereof together with a fee as provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent.

The owner or tenant of any premises served with City water shall provide ready and convenient access to the water meter located on such premises so that it may be easily examined, repaired or read by the Water Commissioner or his / her designated agent to perform such functions. In the event the owner or tenant fails to allow the Water Commissioner or his designated agent reasonable access to perform such functions, a fee as provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent. Water customers may have a remote readout installed with the water meter. The readout device shall be installed by city employees or a licensed plumber under the direction of the Water Commissioner. On new construction the remote readout wire shall be installed when a request is made for the first inspection. If a discrepancy exists between the outside remote register and the inside water meter, the inside water meter shall be controlling. Readings shall be compared at least once per year and to adjust the meter readings. When meters are installed in pits, the property owner shall furnish a pre-cast concrete pit and a four (4) inch square post at least four (4) feet above the ground next

to the pit for the installation of a remote meter readout. Meters in pits shall be at least ten (10) inches above the bottom of the pit and all pits shall be at least four (4) feet wide at the bottom. Pits shall be no less than five (5) feet deep.

Where meter boxes are necessary to protect the meter and the City's investment therein, the same shall be installed by the City at no cost, but at the expense of the property owner and said cost shall be added to the water account charged against the property serviced; provided, the owner shall have the privilege of installing his / her own meter box and the specifications for construction thereof are complied with.

All water meters and remote meter readouts shall be sealed by the Water Commissioner. It shall be unlawful for any person to break the seal unless specifically authorized to do so by the Water Commissioner. Should any water meter or remote seal be broken or removed, or should any water meter or remote readout be damaged, destroyed or otherwise rendered unserviceable or faulty by any action, negligence or willful conduct on the part of a water customer or his / her agents, licensees, tenants or assigns, the expense of repairing or replacing the same, together with a fine as provided in section 170.55.13, shall be chargeable to and paid by the customer and/or owner as water rent. All water meters shall be kept in repair by and at the expense of the City of Stanton. Meters will be changed approximately every fifteen (15) years or when recording of usage begins to slow. When meters are worn out, they shall be replaced and reset by the City of Stanton; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his / her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Water Commissioner shall bill and collect from the customer and/or owner the cost of such meter repair or replacement, together with a fine as provided in section 170.55.13, in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

All meters shall be tested at the customer's request. The City reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the City shall always have the right to place a new meter on the customer's water service fixtures at City expense. If the meter is found to register within two (2) percent of accuracy, the City may charge a test fee for all such tests made at intervals more frequent than once every two (2) years. If the meter is found to register in excess of two (2) percent, fast or slow, the City will pay for the testing and will adjust the customer's billing for the known or assumed period of error, not to exceed the previous six (6) months.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.09 Water; Temporary Connections**

No person may connect any temporary service pipe to the City water mains or supply lines without prior approval of the Water Commissioner. Persons wishing to make a temporary service pipe connection shall file a written request for such connection with the Water Commissioner, specifying the connection desired to be made, giving the number of feet of service pipe required, a diagram of the premises and equipment to be served, and an estimate as to the duration of the temporary service pipe connection. The Water

Commissioner may, at his / her discretion, approve the temporary service pipe connection which shall be done at the expense of the applicant and under the supervision of the Water Commissioner. Such temporary service pipe shall at all times be under the absolute control and supervision of the City Water Commissioner, and the City reserves the right to disconnect the temporary service pipe at any time there is reasonable cause to believe the applicant is failing to comply with the terms and conditions of the temporary connection permit or is jeopardizing either the City water system or the quality of water in the premises or equipment being served. The temporary service pipe permit shall expire at the earliest of either the applicant's estimated time of duration or the connection of the premises or equipment to an approved permanent service line. The applicant may obtain an extension of time on the temporary service pipe permit for good cause shown to the Water Commissioner.

Arrangements for metering and billing will be established on a case-by-case basis.  
Amended by Ordinance 761 – February 6, 2007

#### **170.55.10 Water; Tapping Mains or Supply Pipes**

No person except by direction of the Water Commissioner shall be permitted, under any circumstances, to tap the water mains or supply pipes, or install corporation stops or appurtenances thereon. All pipes shall, in all cases, be tapped at the two o'clock position or at level and not in any case nearer than fifteen inches of either end of the pipe, nor nearer than two feet to any other tap. Amended by Ordinance 761 – February 6, 2007

#### **170.55.11 Water; Repairs and Maintenance; Generally**

All persons taking City water shall keep the service pipe, curb stop, valves, valve boxes, meters and other apparatus in good working order and repair, and protect the same from frost at their own risk and expense. It shall be the responsibility of the owner or occupant of any premises to install and maintain the service line from the curb stop to the water meter. If any part of the service pipe or fixture is not wanted for use, the customer shall notify the Water Commissioner in writing, and have the same removed and disconnected and shall pay the expense in so doing, and a proper reduction in rates will be made from that date, if needed.

The City of Stanton Water Department may require the owner of any property which is within the City of Stanton, or connected to the City Water System, to repair or replace any service pipe which serves the owner's property and is broken or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a service pipe shall include those portions from the curb stop to the point of distribution. No person shall dig up or uncover so as to expose to the frost, any water pipe of the City, except under the direction of the Water Commissioner.

The customer shall have an operable shut off, curb stop, or valve box outside of the residence and repairs to keep it operable will be at the expense of the customer, if due to damage. All repairs to the property of the Water Department, including the meter, shall be

made by the City of Stanton. The Water Department shall have the right to operate the curb stops and / or valves at any time deemed necessary by the Water Commissioner.

The Water Commissioner, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, meter, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or agent of such owner, directing the repair or replacement of such service pipe. If within thirty days (30) of such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Water Commissioner may cause such work to be done and assess the cost upon the property served by such connection.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.12 Water; Authority for Setting Fees and Collections**

The Governing Body has the power and authority to fix the rates to be paid by the water customers for the use of water from the Water Department. The Governing Body may classify for the purpose of rental fees the customers of the Municipal Water 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 water usage and collect all money received for water usage in the City of Stanton on the account of the Water Fund. The City Treasurer shall faithfully account for all revenue collected. A monthly report stating the total income and expenses for the water 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 water rents and charges due from each customer with debits and credits, as the case may be, for a period of five (5) years.

The Water Commissioner shall have the authority to issue permits for the use of water for building and construction purposes. A fee shall be paid as determined on a case-by-case basis.

Amended by Ordinance 761 – February 6, 2007; Amended by Ordinance 780 – January 17, 2008

#### **170.55.13 Water; Fees and Rates for Customers**

All water customers shall be liable for water fees provided by ordinance, unless and until, the customer shall, by written order, direct the Water Commissioner to cancel service to their premises. Water furnished through the City of Stanton Water System shall be measured by a water meter. Should any water meter get out of order or repair and fail to register properly, the customer will be charged at the average monthly consumption, as shown by the meter when in order, for six months previous, or fraction thereof, if the same

has not been used that long. No reduction in rates will be made for the time any service pipe may be frozen or out of use for any reason or cause.

The minimum rate as set forth in this article shall be uniform and apply in all cases where water is furnished within or without the City as the case may be. The charges for water usage, furnished at the rates set forth in this article, shall be collected by the City Treasurer. If the amount of water consumed monthly is not sufficient to exhaust the minimum rate as herein below provided and charged by the City, such customer or person to be charged shall not be entitled to any return or credit for any portion of such minimum rate. The minimum rate shall be charged for each meter, which is directly or indirectly, connected to the city water system.

The fees to be charged for water furnished 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 water system shall pay a fee of five hundred dollars (\$500.00) to the City of Stanton Water Fund.

b. No building or premises shall be connected to the City's water system when an extension or alteration of any existing water 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 Water Fund.

2. Deposit Charge

For all rental customers, a deposit of seventy-five dollars (\$75.00) is required for water 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 water 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 Charge

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

A fee of \$12.50 will be charged. No fee shall be charged for a disconnect requested by customer's making repairs to their water service pipe for up to a 72 hour period. No basic monthly fee will be charged if the water is shut off for over 30 days. If water is shut off for a portion of the month, the total monthly fee will be charged.

For special use meters, the meter will not be removed from the service line and no fee will be charged for yearly disconnect, as long as the customer has another water account with the City. The customer must notify the City Water Department when the water use has been shut off for the winter.

4. Customer Requested Reconnect Charge

The owner or occupant of any premises who desires to have the water service reconnected must request it in writing to the Water 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 water service pipe within a 72 hour period of being shut off.

For special use meters, the customer must notify the City Water Department when the water use has been turned on for the summer.

#### 5. Abandonment of Service

The owner or occupant of any premises who desires to permanently abandon service must request it in writing to the Water Commissioner. The water will be turned off at the curb stop. The property owner shall have a licensed plumber disconnect the service line from the main and crimp the service line, unless the Water Commissioner has approved other means of abandoning the line. The water meter will be removed from the premises. 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

All customers of the City of Stanton shall have properly installed water meters. Any customer who does not have a water meter installed, shall proceed immediately to have the same installed or the City will install and the costs shall be added to that customer's water bill and collected as provided by law.

The City shall furnish one (1) water meter, up to one inch (1") in diameter, free of charge to each customer. The costs for the installation of such water meter shall be borne by the customer. The meter shall be installed in a location that is easily accessible to be read and repaired, and is approved by the Water Commissioner.

Rates shall be applicable to all customers. Consumption is in gallons, and dollar charges are per 1,000 gallons.

a. Basic Water rate for customer that has a properly installed water meter, cost per month, including the first 1,000 gallons of water is \$18.50.

b. And in addition thereto, from 1,001 gallons up, cost per 1,000 gallons, per month is \$1.50.

c. And in addition thereto, a fee of \$2.00 per meter for water project fund

#### 7. Special Use (sprinkler) Rates

The owner or occupant of any premises who desires to install a special use meter must request it in writing to the Water Commissioner. A separate meter must be purchased by the customer, sold at cost from the City, and installed by a licensed plumber. This is applicable for any non-polluting, i.e. not in violation of governmental laws or regulations, non-domestic use of water by a residential or commercial water customer. Special water uses include, but are not limited to, the following: irrigating lawns or gardens, washing personal vehicles, cooling for air conditioners, general outdoor cleanup, and watering

livestock. Special use water is separately metered and separately billed from the normal water usage. Special water usage is exempt from sewer charges.

Rates shall be applicable to all. Consumption shall be in gallons, and dollar charges are per 1,000 gallons.

- a. Basic Water rate for customer that has a properly installed water meter, cost per month, including the first 1,000 gallons of water is \$18.50.
- b. And in addition thereto, from 1,001 gallons up, cost per 1,000 gallons, per month is \$1.50.
- c. And in addition thereto, a fee of \$2.00 per meter for water project fund

**8. Water Well Registration**

The owner or occupant of any premises, within the City limits or within the one (1) mile jurisdiction, who desires to install a water well must request it in writing to the Water Commissioner. The fee shall be \$20.00.

**9. Reconnect Fee Due to Nonpayment or Violation of City Code**

The owner or occupant of any premises who desires to have water service reconnected due to nonpayment of services or for violation of the City Code must pay a fee of \$12.50 if service is reconnected during business hours. If service is reconnected after hours the fee shall be \$25.00.

**10. Bulk Water Fees**

The following rates shall apply for bulk water purchased from the City

100 – 800 gallons	\$17.00
801 – 1200 gallons	\$18.50
1201 to 2000 gallons	\$20.00
2001 to 3000 gallons	\$21.50
3001 to 4000 gallons	\$23.00
4001 to 5000 gallons	\$24.50

Each additional 1,000 gallons shall be \$1.50.

**11. Other Fees**

Meter Test Fee	\$ 25.00
Hydrant Use Fee	\$ 35.00 per day
Field Collection Call Charge	\$ 7.50
Failure to Maintain/Repair Curb Stop	\$ 25.00
Unauthorized Setting, Sealing, Placement, Failure to Repair, Damage, Removal of Meter or Water Turn On	\$100.00
Failure to Reset Meter as Directed by Water Commissioner	\$ 25.00
Failure or Refusal to Allow Water Commissioner Access	\$ 25.00
Breaking Seal	\$100.00
Failure to Read Meter	\$ 25.00
Failure to Call Meter Reading in or Contact Water Commissioner for Appointment to Read	\$ 25.00

Water/Sewer bill not paid by 25<sup>th</sup> of month - \$15 fee will be assessed to the account Amended by Ordinance 761 – February 6, 2007; Amended by Ordinance 780 – January 17, 2008; Amended by Ordinance 840 – July 1, 2014; Amended by Ordinance 862 – June 9,

2016; Amended by Ordinance 888 – September 4, 2018; Amended by Ordinance 896 – November 6, 2018; Amended by Ordinance 927 – December 14, 2021; Amended by Ordinance 934 – July 12, 2022, Amended by Ordinance 937 – February 14, 2023; Amended by Ordinance 942 – October 10, 2023; Amended by Ordinance 960 – September 10, 2024

**170.55.14 Water; Meter Reading; Billing Payment; Landlord Rules**

1. Meter Reading – Each utility meter must be read at least once every three months. It is the responsibility of the customer to provide ready and convenient access to utility meters. In cases where the meter is not accessible or damaged, usage is estimated according to past usage records. The customer shall call said reading in or in the alternative, the customer may contact the Water Commissioner and set up an appointment so that the Water Commissioner may read the meter. In the event that bills are estimated, an adjustment will be made at the time of the next actual meter reading.

The customer has the option of calling in the actual reading, including with the monthly bill payment, or dropping off the reading at city hall. Usage may only be estimated for three (3) consecutive months. In the event any meter is not read for three (3) consecutive months and the customer fails to notify the utility of the reading for that period of time, an additional fee as provided in section 170.55.13 shall be chargeable to and paid by the customer and/or owner as water rent for each subsequent month the meter remains unread. In the event the customer fails 1) to call in the meter reading, 2) drop off the meter reading at city hall, or 3) to contact the Water Commissioner and set up an appointment for the Water Commissioner to read the meter, the customer will be billed a fee as provided in section 170.55.13 which shall be chargeable to and paid by the customer as water rent. If an actual meter reading is not received at least every six (6) months, the service may be disconnected at the Water Commissioner’s discretion until a reading is received.

Once a year, the inside meter is read and this will be used to verify the accuracy of the outside meter, if an outside meter is used. The Utility arranges this meter reading in advance with the customer. Any utility customer has the right to request the Utility, at the customer’s expense, to test a utility meter a reasonable number of times, if there is a question about accuracy.

2. 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. It shall be the duty of the Water Commissioner, on all water accounts remaining unpaid by the 15<sup>th</sup> of the month, if in the Commissioner’s discretion the circumstances warrant, to shut off the supply of water to such customer and the same shall remain shut off until the account is paid in full, together with the cost of turning the water on.



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 water furnished shall be completed monthly and shall designate the number of gallons used at the date of the reading, or the estimated usage, and shall subtract therefrom the number of gallons of water registered at the date of last settlement, and compute the amount due for the difference in dollars and cents.

A customer may be eligible for an adjustment to their water 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. No adjustments shall be made in water charges for losses resulting from customer negligence, improper operation of plumbing by the customer, and / or failure of the customer's plumbing system. A customer is eligible for one leak adjustment per twelve (12) month period. No adjustments shall be made in the water billing by reason of freezing.

3. Payment – Payment of utility bills may be made Monday through Friday 8:00 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 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 water 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, 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 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 170.55.13 Subsection 11.

4. 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.

5. 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 meter reading is recorded and the water service disconnected. Service will be reconnected when the new tenant applies for utility service and pays the deposit and the 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 water services charges during this period and until a tenant assumes responsibility for water service under these policies.

Any unpaid delinquent water 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 connected until the unpaid delinquent water 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 water rent, when requested in writing by the landlord.

6. Right of Access – The customer must, without expense to the City, permit access to all equipment and facilities owned by the City and located on the customer's premises at all reasonable hours.

Amended by Ordinance 761 – February 6, 2007; Amended by Ordinance 780 – January 17, 2008

#### **170.55.15 Water; Lien**

All water 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 water bills are not paid within the payment period as approved by the City Council, the Water Commissioner shall, as a first priority except for emergency situations of the City, proceed to disconnect the water service to a customer. The Water 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 water rent. The service shall not be connected until the unpaid delinquent water rents have been paid in full.

The Water Commissioner may report the names of owners of any premises served with water that are delinquent in the payment of their water bills or charges, showing the amount due for each delinquent bill, together with a description of the property upon, or for which the water 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 761 – February 6, 2007

#### **170.55.16 Water; Single Premise Use; Resale of Water**

No customer shall supply water to other families, or allow them to take water from his / her 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 between the shut off and the meter for alteration, extension, or attachment without the written permission of the Water Commissioner. 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.

Except by special agreement with the City upon such terms as the City elects, no person shall resell any of the water provided by the Municipal Water System nor shall such water be transmitted to premises or used upon premises other than those specified in such person's application for service.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.17 Water; Restricted Use**

During and following drought conditions, or due to equipment failure, the City of Stanton water supply may become significantly and seriously depleted so that there will not be a sufficient supply of water to meet all customary and usual demands. Under these conditions, the Water Commissioner, with the approval of the Mayor, may find a public Water Watch, Water Warning, or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until, the Water Commissioner, with the approval of the Mayor, finds and declares the water shortage condition to be ended.

In some cases public notification may be used to alert the public that the water in said building or place may not be safe for human consumption.

a. Water Watch – A water watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a water watch include, but are not limited to: system operating at 75% of pumping capacity; moderate decrease in the pumping water level of wells or moderate decrease in the recovery rate of water level in the wells; moderate decrease in reservoir levels.

Under a water watch, all customers of the City of Stanton are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers are encouraged to comply with the following voluntary standards:

1. No watering of lawns, shrubs, or gardens between the hours of 8:00 a.m. and 8:00 p.m.
2. No water should be used to fill private swimming pools, reflecting pools or any other outdoor pool or pond
3. No water should be used to wash streets, parking lots, driveways, sidewalks, or building exteriors

4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces

5. Water should be served at restaurants only upon the request of the customer

b. Water Warning – A water warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a water warning include, but are not limited to: system operating at 85% of pumping capacity; significant decrease in the pumping water level of the wells or significant decrease in the recovery rate of the water level in the wells or significant decrease in the reservoir level; a chemical spill; or a major system failure.

Under a water warning, no person shall use potable processed water of the City of Stanton Water system in any manner contrary to the following:

1. All water customers whose street address ends in an even number shall use city water upon their premises for the purpose of watering lawns, gardens, trees or shrubs on even numbered days of the week only; and all water customers whose street address ends in an odd number shall use city water upon their premises for the purpose of watering lawns, gardens, trees or shrubs on odd numbered days of the week only.

2. Car washing is prohibited except in commercial establishments that provide this service

3. No water shall be used to fill private swimming pools, reflecting pools or any other outdoor pool or pond

4. Tank load water sales may be curtailed or eliminated

5. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors

6. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery, and interior spaces

7. Water should be served at restaurants only upon the request of the customer

c. Water Emergency – A water emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a water emergency include, but are not limited to: system operating at 95% pumping capacity; serious decrease in the recovery rate of the water level in the wells; or serious decrease in the reservoir level.

Under a water emergency, no person shall use potable processed water of the City of Stanton Water System in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation and fire, is prohibited

2. All commercial and industrial uses of water not essential in providing products or services is prohibited

3. Irrigation of agricultural crops is prohibited

4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational use is prohibited

5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited

The City of Stanton may shut off the water supply at any time, from any or all premises, to repair the water tower, pumps or mains, to make extensions or connections, or for violation of this article or failure to pay water charges, or for any other purpose that may be deemed necessary by the Water Commissioner. No claim for damages shall be made against the City or the Water Commissioner on account of any such shutoff or on account of a failure of the water supply from any cause. The City shall not be liable for any damages caused by shutting off the supply of water of any customer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the City has no control.

Penalties – The following penalties shall apply for violations of water use restrictions imposed under this section.

a. First Violation – For a first violation, the City of Stanton Water System shall issue a written notice of violation to the water user violating use restrictions imposed during a water warning or water emergency.

b. Second Violation – For a second violation within a 12 month period, a fee shall be imposed of \$20.00.

c. Subsequent Violations – For any subsequent violation within a 12 month period, a fee shall be imposed of \$50.00, and in addition, the City of Stanton Water System shall interrupt water service to that customer at the premises at which the violation occurred. Service shall not be restored until the customer has paid the reconnection fee of \$15.00, plus the \$50.00 fee, and has provided reasonable assurance that future violations of water warning and water emergency use restrictions will not occur.

Any customer charged with a violation of the water warning or water emergency use restrictions may request a hearing before the City Council. The City Council may conclude that a violation did not occur or that circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.18 Water; Fire Hydrants**

All hydrants erected in the City for the purpose of extinguishing fire are hereby declared to be public hydrants. It shall be unlawful for anyone but authorized persons to obstruct a public hydrant, open any of such hydrants, attempt to draw water from the same or in any manner interfere with the same. For purposes of this section, authorized persons shall mean members of the Fire Department, and then only for the use and purpose of the Fire Department, or persons specifically authorized by the City of Stanton Water Commissioner, and then only in the exercise of the authority delegated by the City of Stanton Water Commissioner.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.19 Water; Contract; Continuity of Service**

If any customer of City water shall move from the premises for which water is being supplied by the City, or if such premises shall be destroyed, such customer shall notify the

Water Commissioner, who shall cause the water to be shut off from such premises. The service must be properly abandoned at the earliest date possible for properties destroyed.

The City of Stanton will endeavor to supply, but does not guarantee, continuity of service of a generally accepted standard. Interruption of service for repairs, alterations, want of supply, conditions on a customer's premises dangerous to persons, property or service of the customer, or others, non-payment by the customer, failure by the customer to provide means of access for obtaining regularly scheduled readings of the meter, or for testing the Utility's metering equipment, or prevention of fraud or abuse, is not a breach by the City of its responsibility. In some cases public notification may be used to alert the public that the water may not be safe for human consumption.

The customer waives claim for, and by accepting service, releases and discharges the City of Stanton for claims for, and shall indemnify and save harmless the City from any and all loss and damage arising from interruption of service, or on account of injury to persons (including death), or damage to property on the premises of a customer, or under a customer's control, unless such loss, damage, or injury is the natural, probable and reasonably foreseeable consequence of the City's negligence, and such negligence is the sole and proximate cause therefore.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.20 Water; Destruction of Property**

It shall be unlawful for any person to willfully or carelessly break, damage or deface, interfere with or disturb any building, equipment, apparatus, fixtures or appurtenances to the Water System of the City of Stanton, or any public or private hydrant, hose, valve, stop key, meter, water supply or service pipe or any part thereof, nor shall any person deposit anything in any curb stop box, or commit any act tending to obstruct or impair the intended use of any of the herein mentioned property, without the permission of the Water Commissioner, or except in cases hereinafter or otherwise regulated by the provisions of this Article.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.21 Water; Complaints**

It is understood that there are times when a customer of the City of Stanton Water System has a complaint about the quality of service or with a particular billing, which seems inaccurate or unjust. Complaints may be made in person at the City Hall or by letter or telephone. The Water Commissioner may be able to resolve the customer's problem immediately. If not, the complaint will be channeled to the person who can take the necessary action.

A file will be kept of all water complaints received at the City Hall. Information listed shall be the name of the complainant, date of complaint, address of complaint, what needs to be corrected, and action taken by the City to resolve the complaint.

Amended by Ordinance 761 – February 6, 2007

### **170.55.22 Water; Fluoride**

The City of Stanton is prohibited from adding, either artificially or mechanically, any additional fluoride (in any form) to its public water supply, other than what already exists in its natural state. (By petition November 3, 1998) (By election November 4, 2008)  
Amended by Ordinance 761 – February 6, 2007; Amended by Ordinance – November 20, 2008

### **170.55.23 Water; Disconnect and Reconnect Due to Nonpayment**

The City of Stanton has the right to discontinue services and remove its properties if the charges for such services are not paid within ten (10) days after the bill becomes delinquent. No City water service, which has been shut off, shall be restored until the person desiring such restoration makes arrangements for payment of any delinquent bill, as well as, payment of any applicable service fees. The disconnect fees can be found in Section 170.55.13.

Amended by Ordinance 761 – February 6, 2007

### **170.55.24 Water; Backflow**

Backflow may be caused by either a loss of pressure in the supply main called back siphonage, or by the flow from a customer's pressurized system through a cross connection, which is called back pressure. The point at which the non-potable water comes in contact with the potable drinking water system is called a cross connection. To prevent the backflow from occurring at the point of the cross connection a device called a backflow prevention assembly must be installed.

The Water Commissioner shall be in charge of the backflow / cross connection program for the City of Stanton. The Water Commissioner shall be in charge of keeping all maintenance records on backflow devices, inspecting all new and old buildings, and educating the general public. Records shall be maintained for the location of all backflow prevention devices within the City, type of device, and tests results.

There are five types of mechanical devices, which are considered to be backflow prevention devices.

1. Air Gap – An air gap is a physical separation of the supply line by at least two pipe diameters vertically above the overflow rim.
2. Atmospheric Vacuum Breaker – This type of assembly must always be installed at least six inches above all downstream piping. It can only be used to protect against back siphonage.
3. Pressure Vacuum Breaker – This type of assembly must be installed twelve inches above all downstream piping. It can only be used to protect against back siphonage.
4. Double Check Valve – This type of assembly is a testable device with shutoff valves upstream and downstream. This assembly does not discharge water, and is considered reliable for low degree hazards.

5. Reduced Pressure Principle Device – This type of assembly is the most reliable type of device. It is a testable device with upstream and downstream shutoff valves. It uses a relief valve that maintains a zone of reduced pressure between the two check valves.

The City of Stanton Water Department sells a self draining vacuum breaker at cost to customers. This device can be used on all outdoor hydrants or faucets. Other types of backflow prevention devices may be purchased and installed by a licensed plumber. No customer or other person shall cause, allow or create any physical connection between the City of Stanton Water System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the City of Stanton Water System. In order to provide protection and prevent the potential of pollutants and contaminants from entering the public water system, backflow protection devices may be required on all water service lines installed, replaced, or repaired. The Water Commissioner shall inspect all premises to determine what level of protection will be necessary to protect the public health and safety.

The cost of the installation, maintenance and testing of backflow prevention devices in accordance with this Section shall be paid by the customer. All backflow prevention devices shall be installed in accordance with all manufacturer's instructions and guidelines, in a manner that the device shall be accessible for inspection and testing. A reduced pressure principle backflow prevention device shall not be installed in a pit or other location that may be subject to flooding.

Backflow prevention devices shall be maintained in good working order by the customer. The customer shall be responsible to cause all backflow, backpressure or back-siphonage protection devices equipped with test ports to be tested upon initial installation, when repaired, and once each year. All tests shall be done by a Backflow Prevention Test and Repair Technician, Grade VI Water Supply Operator, certified by the State of Nebraska Department of Health and Human Services. Test results shall be forwarded to the Water Commissioner on standard reporting forms. The test report shall be signed by the certified tester, attesting to proper backflow prevention operation. Devices equipped with test ports and installed on lawn sprinkling systems which are supplied with water from a service line equipped with a backflow, backpressure or back siphonage detection device shall be tested upon initial installation, replacement of integral parts, and every fifth year thereafter. Customers whose hazards are defined as high shall be required to report annually prior to January 30 of each year on the test results for their backflow prevention device.

Public water supply system customers are required to assess and report potential backflow hazards on their premises and take any steps necessary for protection of public health and safety. Customers shall be required to complete a survey form, supplied by the City, at least once every five years. When the customer returns the completed survey to the Stanton Water Department, the Water Commissioner will review each survey to determine if a potential cross connection hazard exists and what kind of backflow prevention device, depending on the degree of hazard, is required at that site. Records pertaining to the devices and the testing / repair records of testable devices shall be maintained by the Stanton Water Department for 5 years.



In order for the customer to accurately complete the survey and to identify potential cross connections, an on-going public education program is required. The public will be given information on the potential dangers of backflow, how to identify a cross connection, how they can protect themselves, and the need to protect the City of Stanton Water System from contamination on a yearly basis.

All backflow prevention assemblies will be set in a position approved by the regulations of the Nebraska Health and Human Services, Regulation and Licensure, Title 179 of Nebraska Administrative Code 2. Backflow assemblies shall be in an easily accessible position so that they may be read, tested or repaired easily by a licensed backflow inspector.

No person shall test or repair backflow prevention assemblies unless he / she is a holder of a valid Nebraska Grade VI water operator license issued pursuant to the regulations of Nebraska Health and Human Services, Regulation and Licensure, Title 179 of Nebraska Administrative Code 2.

Gauge equipment used to test backflow devices must be certified and calibrated in accordance with the regulations of Nebraska Health and Human Services, Regulation and Licensure, Title 179 of Nebraska Administrative Code 2.

Penalties – If any person shall fail to comply with the regulations of Nebraska Health and Human Services, Regulation and Licensure, Title 179 of Nebraska Administrative Code 2, by failing to complete the required cross connection survey or shall fail to install or maintain any required backflow prevention device, water service may be discontinued from the customer failing to complete the required survey or failing to install or maintain the required backflow device. Prior to discontinuing water service to any customer pursuant to this section, the Water Commissioner or his / her agent, shall give the customer ten (10) days' written notice that water service will be discontinued for failure to comply as set forth in this section. The water may not be turned on or the notification revoked except by the order of the Water Commissioner or when the violations have been corrected and upon such other terms that the Water Commissioner shall determine, and a satisfactory understanding with the party shall be had so that no further cause for complaint shall arise. Amended by Ordinance 761 – February 6, 2007

#### **170.55.25 Water; Wells; Registration; Prohibitions**

1. Registration - All wells for which drilling has commenced or is existing within the City of Stanton shall be registered with the City Clerk by the person owning the real estate on which the well is located. There shall be no fee for registering an existing well.

The construction of a "Water Well" within the corporate limits or within one mile of the corporate limits of the City shall not be started unless a permit approved by the Water Commissioner has been obtained. The fee for a well permit can be found in Section 170.55.13.

The following information shall be submitted in connection with registering a well

- a. The name and address of the person owning the real estate on which the well is located
- b. The address and legal description of the property on which the well is located

- c. The address of all properties being served by groundwater pumped from the well
- d. A description of the uses of the water pumped from the well, including specifically whether such groundwater is used for human consumption including, but not limited to drinking, cooking, washing or other household uses
- e. Whether City water is available to the property currently served by the well
- f. The depth of the well
- g. A diagram showing the location of the well

Whenever the Water Commissioner, or his / her designee has inspected any well within the City of Stanton and determined that groundwater pumped from the well is being used in violation of this Section, he /she shall send a written notice to the owner of record or to the occupant by ordinary first class mail and by certified mail, return receipt requested, notifying the addressee of the violation. The written notice shall contain the following information

- a. The street address and a legal description sufficient for identification of the premises on which the well is located
- b. A brief and concise description of the acts or circumstances constituting a violation of this section
- c. A brief and concise description of the corrective action required to be taken to render the well and groundwater uses in compliance with this section
- d. A brief and concise statement advising the addressee that if the well and groundwater uses are not brought into compliance with this section within the time specified, that the Water Commissioner, or his / her designee may order electrical power to the well disconnected and may request the City Attorney, with the consent of the Mayor, to file an action to abate the public nuisance and charge the costs thereof against the real estate, the owner of record and the addressee

2. Prohibited Uses – Groundwater pumped from wells within the City of Stanton shall not be used for any human consumption including drinking water, cooking, washing or other household uses. Any known human consumption of groundwater from wells within the City is a violation of this section and is declared a public nuisance subject to abatement as provided in this code. Groundwater pumped from private wells within the City of Stanton shall not be connected to the City of Stanton water system.

This section shall not apply to uses of groundwater pumped from wells within the City of Stanton which do not involve human consumption, including, but not limited to, non-contact cooling for industrial, commercial or residential uses and watering of vegetation.

Amended by Ordinance 761 – February 6, 2007

#### **170.55.26 Water; Service To Non-Residents**

The Municipality shall not supply water service to any person outside the corporate limits without special permission from the Governing Body; provided the entire cost of laying mains, supply pipe, service pipe, stop box and meters shall be paid by the customer.

Nothing herein shall be construed to obligate the City of Stanton to provide water service to non-residents.

Amended by Ordinance 761 – February 6, 2007

**170.55.27 Water; Limitations of Potential Contamination on Water Well**

The City of Stanton shall establish control over the location of future potential sources of contamination within the City of Stanton, the extraterritorial jurisdiction or to customers of the City of Stanton Water System, so as to prevent or minimize any hazard to the safety of the City's drinking water.

It shall be unlawful to place, maintain, construct, or replace any of the following structures or to conduct any of the following activities within the distance specified below from any existing City Water Supply Well, water storage tank, or water treatment facility.

CATEGORY	DISTANCE
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Land Application of municipal/industrial waste material	1,000 feet
Feedlot or Feedlot Runoff	1,000 feet
Underground disposal system (septic system, cesspool, etc.)	500 feet
Corral	500 feet
Pit Toilet/Vault Toilet	500 feet
Wastewater Holding Tanks	500 feet
Sanitary Landfill/Dump	500 feet
Chemical or Petroleum Product Storage	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	50 feet

The governing body, may consider allowing placement of water wells, as defined by Nebraska Regulations governing public water supply systems (Title 179, NAC2) and Nebraska Regulations governing water well construction, pump installation and water well

abandonment standards (Title 178, NAC12) as amended from time to time, closer to a municipal water well, than the limitations set forth above. The well may be closer only under the following conditions:

a. The City shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application, by the applicant. The applicant, in addition to any previously paid estimated costs should pay any additional costs, which are reasonably incurred by the engineer in making their examination and report.

b. The governing body shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in this article, the governing body must act to prevent all sources of possible or likely water contamination.

c. If the governing body approves the installation, it shall submit the plan together with the engineer's report to the Department of Health and Human Services of the State of Nebraska for final approval or denial.

No installation shall be made without the approval of both the governing body and the Department of Health and Human Services of the State of Nebraska.

Water wells in existence and use, as of the effective date of this Ordinance, shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the City. The owner of any well shall have the burden of establishing the existence and use of such well at the time of the effective date of this Ordinance.

Amended by Ordinance 761 – February 6, 2007; Amended by Ordinance 806 – October 5, 2010

#### **170.55.28 Water; Penalties and Abatement Procedure**

In the event any of the above described facilities in Section 170.55.27 are installed or operated without first having obtained a permit from the City of Stanton and/or within the designated number of feet from any municipal water supply, then such facilities shall be deemed a nuisance and the governing body shall abate such facility as a public nuisance. In addition thereto, any person violating any of the terms of this ordinance is hereby determined to be "guilty" of a class 3 misdemeanor as the same is defined by Nebraska Statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class 3 misdemeanor.

Added by Ordinance 806 – October 5, 2010

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 seventy-five dollars (\$75.00) 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**

The owner or occupant of any premises who desires to have the water/sewer service temporarily disconnected must request it in writing to the Water/Sewer Commissioner. A fee of \$12.50 will be charged if service is requested to be disconnected or reconnected. No basic monthly sewer fee shall be charged if the water service is turned off for over 30 days. If water service is shut off for a portion of the month, the total monthly sewer fee shall be charged.

##### **4. Reconnect Fee Due to Nonpayment or Violation of City Code**

The owner or occupant of any premises who desires to have service reconnected due to nonpayment or services or for violation of the City Code must pay a fee of \$12.50 if service is reconnected during business hours. If service is reconnected after hours the fee shall be \$25.00.

##### **5. 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.

Basic Sewer Rate for customers that have a properly installed water meter, cost per month, including the first 1,000 gallons of water used ..... \$ 23.00

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

6. Abandonment of Service

The owner or occupant of any premises who desires to permanently abandon service must request it in writing to the Water/Sewer Commissioner. The property owner shall have a licensed plumber disconnect the service line from the main and permanently close the drain pipe, unless the Water/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.

7. Other Fees

Field Collection Call Charge	\$2.50
Failure or Refusal to Allow Water/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; Amended by Ordinance 839 – July 1, 2014; Amended by Ordinance 863 – June 9, 2016; Amended by Ordinance 928 – dated December 14, 2021; Amended by Ordinance 935 – July 12, 2022

**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

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) Solid or viscous substances in quantities, or of such size, capable of causing obstruction to the flow in sewer, 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, paper dishes, cups, milk containers, wipes, paper towels, diapers, moist towelettes, etc., either whole or ground in garbage grinders.
- 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.

Amended by Ordinance 910, dated May 12, 2020

#### **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