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§3-301 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Sewer System through the Public Works Director. The Governing Body, for the purpose of defraying the cost of the construction of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Construction Fund. The Public Works Director shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (*Ref. 16-681, 16-699 RS Neb.*)

§3-302 MUNICIPAL SEWER DEPARTMENT; ADMINISTRATION. The Public Works Director shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. The Public Works Director shall have the authority to adopt regulations for the proper and efficient management of the Sewer Department, subject to the supervision and review of the City Council.

The City Council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Public Works Director and in the office of the city Clerk for public inspection at any reasonable time. (*Ref. 18-503, 18509 RS Neb.*)

§3-303 MUNICIPAL SEWER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

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

BUILDING OR HOUSE SEWER - The terms "building sewer" and "house sewer," as used in this code, shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

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OPERATION AND MAINTENANCE - The term "operation and maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

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

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 carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SHALL - The term "shall" is mandatory, "may" is permissive.

SLUG - The term "slug" shall mean any discharge of water, wastewater, or industrial waste which is concentration of any given constituent or quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

USEFUL LIFE - The term "useful life" shall mean the estimated period during which a treatment works will be operated.

§3-304 MUNICIPAL SEWER DEPARTMENT; CUSTOMER'S CONTRACT. The Municipality, through the Municipal Sewer Department, shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may provide sewer service to persons within its corporate limits

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whose premises do not abut a street or alley in which a main is now or hereafter may be laid, by resolution of the City Council, and at the expense of the owner of the premises to be served. The rules, regulations, and rates, fees, and charges hereinafter referred to in this Article, shall be considered a part of every application hereafter made for sewer service, and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of the application on the part of an applicant, or the discharge of wastewater to the sewer system by present consumers thereof, and the furnishing of sewer service to said consumer shall constitute a contract between the consumer and the Municipality to which said contract both parties are bound. The Municipality reserves the right to change rates, charges, and conditions of service from time to time in connection with furnishing sewer service to the consumer. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the Public Works Director or his agent may cut off or disconnect service from the building, premise or place of such violation, following notice and opportunity for hearing. No further connection for sewer service to said building, premises, or place shall again be made save or except by order of the Public Works Director or his agent. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application. If any customer shall move from the premise another shall make a new application. If any customer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Public Works Director. If the customer should fail to give such notice, he shall be charged for sewer service on the said premise until the Public Works Director is otherwise advised of such circumstances. (*Ref. 18-508 RS Neb.*)
(*Amended by Ord. 1090; 8/01/89*)

§3-305 MUNICIPAL SEWER DEPARTMENT; CUSTOMER'S APPLICATION. Any person wishing to make a connection with the Sewer System shall make an application therefore to the Public Works Director. Such application must, when specified by the Director, be accompanied by a plan showing in detail the course and size of such drain through the building and property of applicant, the elevation to the foot of the soil pipe, the length of the drain between this point and the point where the drain connects with the public sewer, and a list of vaults, water closets, sinks, down spouts, and other fixtures to be connected therewith.

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Such plans and applications shall be filed with the Public Works Director. The Director may require any applicant to make a service deposit in such amount as has been set by the City Council and placed on file at the office of the Utilities Department. Sewer service may not be supplied to any house or building except upon the order of the Director. Permits granted hereunder shall be subject to the condition that the owner shall take all risk of damage that may result from water settling back in their premises from the main sewer, and, to prevent such settling back of water, the owner may, at his own expense, install a self-acting valve and keep the same in repair at his own expense. (*Ref. 17-149 RS Neb.*)

§3-306 MUNICIPAL SEWER DEPARTMENT; SERVICE TO NON-RESIDENTS.

The Department shall not supply sewer service to any persons outside the corporate limits without special permission from the City Council; provided, such applicants whose property is situated outside the City shall pay tap and installation fees in such sums as determined in each case by the Public Works Director and set by resolution of the City Council. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents, or, once service is provided, to continue to provide service to non-residents. (*Ref. 19-2701 RS Neb.*)

§3-307 MUNICIPAL SEWER DEPARTMENT; TAP FEE; AMOUNT. Upon application for installation of a building or house sewer line, the Public Works Director shall determine the required tap fee to be paid by the applicant. The schedule of tap fees shall be set by resolution of the City Council and kept on file in the Utilities Department Office. The fee thus determined shall be paid in full in advance of installation of the tap and the building or house sewer line.

§3-308 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWER INSTALLATION EXPENSE AND PROCEDURE.

The customer, upon approval of his application for sewer service, shall procure a permit in writing before making any connection with the sewer system. The Public Works Director shall issue said permit upon payment of a tap fee in an amount set by resolution of the City Council for each connection. The expense of removal and replacement of pavement, sidewalks and other obstacles shall be determined by the Public Works Director, and shall be paid by the owner on completion and certification of costs by the Director, in addition to the tap fee.

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No person shall tap or make connection to the public sewers except under the supervision and direction of the Public Works Director. The Director, or his authorized agent, will make or cause to be made the tap or connection to the public sewer main and bring service to a point at or near the lot line or outer sidewalk line in the right-of-way of the street in which the sewer main is laid. The customer shall employ a licensed plumber or drain layer to connect the building sewer to the sewer system at that point, subject to inspection by the Public Works Director.

If the connection is made to a sanitary sewer main or mains and where there had not been a sanitary sewer assessment for the property, said owner desiring such connection shall pay a special connection charge in an amount set by resolution of the City Council. The aforesaid fees and charges shall be in addition to other fees and charges provided for in this article. Said special connection charges shall be paid only once with respect to said property. For the purpose of this Section, front footage of the lot is determined as that portion of the lot facing the sewer main to which the owner wishes to connect. Such special connection charge in addition to said tap fees shall be paid to the Municipal Sewer Department at the time the application is filed and said permit shall be issued only when the above fees are paid in advance.

If the property to be served by sewer service does not abut a street or alley in which a public sewer is now laid, the owner shall petition the City Council to cause the public sewer to be laid in the abutting street or alley and assess the cost thereof as provided by law. The City Council may, by resolution, permit a property owner to construct a building sewer from a point at or near the outer sidewalk line on the street where there is a public sewer, to the non-abutting property; Provided, such owner shall pay all applicable tap, excavation, and special connection fees.

§3-309 MUNICIPAL SEWER DEPARTMENT; SEPARATE TAPS REQUIRED. (1) Not more than one (1) separate premise as hereinafter defined, shall be supplied from the same tap and supply pipe, except Mobile home and trailer courts will be served through one (1) building or house sewer, where sewer lines within the mobile home or trailer court are installed.

(2) In all Duplex (two family) dwellings, each such dwelling unit contained therein must have a separate building or house sewer.

(Amended by Ord. No. 1090, 8/1/89; 1340, 10/01/96)

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§3-310 MUNICIPAL SEWER DEPARTMENT; BUILDING OR HOUSE SEWER SERVICE LINE. All building or house sewer lines from the connection to the main sewer to the premises to be served will be installed at the expense of the owner of the premises by a plumber licensed by the City of Crete. Building or house sewer lines will be installed, repaired or replaced at the expense of the owner of the premises served.

All installations, repairs, or replacements of building or house sewer lines require two (2) inspections by the Public Works Director. The first (1st) inspection will be made when connections or repairs are completed, and before the pipes are covered. The second (2nd) inspection will be made after the work is completed. It shall be the responsibility of the customer to notify the Public Works Director at the time the work is ready for each inspection. All work shall be done under the supervision of, and in accordance with rules, regulations, and specifications prescribed for such work by the Public Works Director; provided that the said rules, regulations and specifications have been reviewed and approved by the City Council. (*Amended by Ord. No. 1090. 8/1/89*)

§3-311 MUNICIPAL SEWER DEPARTMENT; ABANDONED BUILDING OR HOUSE SEWERS. If a building sewer is disconnected or abandoned, it shall be disconnected or plugged at the other sidewalk line, or at the main, as directed by the Public Works Director, at the expense of the owner.

§3-312 MUNICIPAL SEWER DEPARTMENT; ACCESS TO PREMISES. The Public Works Director and any person designated by him shall have free access at reasonable hours of the day to all parts of every premise having a connection to the Sewer System to inspect for compliance with sanitary sewer rules and regulations.

§3-313 MUNICIPAL SEWER DEPARTMENT; REPAIRS AND MAINTENANCE. The Municipality shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace, clean or maintain, all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the Public Works Director; provided, that the same have been previously approved by the City Council.

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§3-314 MUNICIPAL SEWER DEPARTMENT; 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, sub surface drainage, including interior and exterior foundation drains, uncontaminated cooling water, 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 Systems:

1. Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.

2. Any waters or wastes containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, or create a public nuisance, (Ref. 17-145 RS Neb.) or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.

3. Waters or wastes having a pH lower than 5.5 or higher than 9.5 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the sewer system, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ref. 17-145 RS Neb.) (Amended by Ord. No. 1090, 8/1/89)

§3-315 MUNICIPAL SEWER DEPARTMENT; REGULATED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Public Works Director that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Public Works Director will

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give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Liquid or vapors having a temperature higher than one hundred fifty (150°) degrees F.

2. Water or waste which may contain more than one hundred parts per million by weight of fat, oil, or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) degrees F.

3. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Utilities Director.

4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, to such degree that any such materials received in the composite sewage at the sewage treatment works exceeds the limits which may be established by the Public Works Director for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits which may be established by the Public Works Director in compliance with applicable State or Federal regulations.

8. Any waters or wastes having a pH in excess of 9.5.

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9. Materials which exert or cause:

(a) (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride or sodium sulfate).

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

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

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

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

11. Any water or wastes having a 5-day BOD greater than 300 milligrams per liter (mg/l), containing more than 350 mg/l of suspended solids, or having an average daily flow greater than two (2%) per cent of the average wastewater flow of the Municipality shall be subject to the review of the Public Works Director. Where necessary, in the opinion of the Public Works Director, the owner shall provide, at this expense, such preliminary treatment as may be necessary to reduce the BOD to 300 mg/l, reduce the suspended solids to 350 mg/l or control the quantities and rates of discharge of such waters or wastes.

Any user which discharges any substance, which singly or by interaction with other substances, causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the Public Works Director and approved by the City Council. (*Amended by Ord. No. 1090, 8/1/89*)

§3-316 MUNICIPAL SEWER DEPARTMENT; SPECIAL EQUIPMENT. In the event a customer of the Municipal Sewer Department discharges or proposes to discharge, waters which contain the substances or possess the characteristics enumerated in Section 3-316, and which, in the judgment of the Public Works Director, may have

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deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director, subject to the review of the City Council, may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by the existing taxes or sewer charges under the provisions of this Code.

If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws, plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Public Works Director, and no construction of such facilities shall commence until said approvals are obtained in writing.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Public Works Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be purchased and maintained continuously in satisfactory and effective operation by the Owner at his expenses.

When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with

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plans approved by the Public Works Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. 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.

Any sewer system customer using water on the premises served by the sanitary sewer system of the City, which water does not enter into the sanitary sewer system of the City, may, at the customer's expense, and in accord with specifications of the Public Works Director, provide metering to measure the water entering the sanitary sewer system.

All such water which is used on said premises connected with the sanitary sewer system of the City of Crete, Nebraska, which does not enter the sanitary sewer system aforesaid, and which is metered separately, shall be deducted from the total water consumed for the purpose of computing the sewer flow charge as hereinafter set forth. All meters which are required to be furnished and installed at the expense of a customer shall be made available to the City of Crete, Nebraska, and its representatives at any reasonable time for the reading or calibrating of the same. Where said devices are found to be defective in the opinion of the City of Crete or its representatives, the industrial customer shall have the same corrected at its own expense.

Any sewer system customer who has a source of water other than that furnished by the Crete water system, and where water not obtained from the Crete water system is introduced into the Crete sewer system will, at the customer's expense and in accordance with specifications of the Public Works Director, provide metering to measure the water entering the sewer system. (*Amended by Ord. No. 1090, 8/1/89*)

§3-317 MUNICIPAL SEWER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Sewer Department. No person may deposit anything in a manhole or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Public Works Director.

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§3-318 MUNICIPAL SEWER DEPARTMENT; SEWER MAIN EXTENSIONS. The cost of constructing and laying sewer mains, pipes or such parts thereof shall be assessed to the property benefited by said constructing and laying sewer mains, pipes, manholes, or such parts thereof, including cost of construction and laying sewer mains, pipes or such parts thereof in the intersections of streets and alleys and opposite property belonging to the City, State, or the United States Government, pursuant to the laws of the State as now exist and as the same may be amended. Sewer assessments shall be based on a main size of eight (8") inches inside diameter in residential areas. Smaller mains will be installed only by resolution of the City Council. All sewer mains in sewer main improvement districts will extend to the limits of the district.

§3-319 MUNICIPAL SEWER DEPARTMENT; CUSTOMER CLASSIFICATIONS.

A. Definitions. The word "customer" as used in this Article includes all users of the Municipal sanitary sewerage system or disposal plant of the City, including all persons, firms or corporations whether owners or tenants of real estate and building or buildings connected with said sanitary sewerage system or disposal plant or served thereby, and all users of said system who in any way use the same or discharge sanitary sewerage, industrial waste, water or other liquid, directly or indirectly into the sanitary sewerage system or disposal plant of the City.

For the purposes of this Section, customers shall be classified as R-1 Residential, R-2 Residential, C-1 Commercial, C-2 Commercial, I-1 Industrial or C-2 Industrial.

R-1 Residential Single family residential customers are defined as occupants of dwellings used exclusively for residential purposes, including individual mobile homes, where the same are permitted, and housing a single family.

R-2 Residential Multiple-family residential customers are defined as occupants of dwellings or apartment buildings used exclusively for residential purposes and housing more than one (1) family, including mobile home parks.

C-1 Commercial customers are customers other than single or multiple-family residential customers or industrial or major industrial customers in single occupancy premises.

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C-2 Commercial customers are commercial customers occupying part of a multiple occupancy premises.

I-1 Industrial customers are defined as customers who contribute any such as whey, milk or cream, blood, fat, paunch manure, or any other waste liquid, grain or industrial waste into said sanitary sewer system or disposal plant.

I-2 Major Industrial customers are defined as customers who meet the definition of industrial customer as set out herein and who produce at least one million (1,000,000) gallons of sewage per month as measured in a manner as approved by the Public Works Director and are designated as major industrial customers by the Mayor and City Council of the City of Crete.

For the use of the said sanitary sewer system, each major industrial customer shall have rates set by resolution of the City Council.

The City of Crete, Nebraska, reserves the right to refuse the use of its sanitary sewer system and/or its disposal plant to any customer at the sole discretion of the City Council. (Ref 16-681 RS Neb.)

§3-320 MUNICIPAL SEWER DEPARTMENT; BILLING, COLLECTING. All sewer use charges provided for by this Article shall be billed each month for service during the preceding month. Customers shall pay City bookkeepers and cashiers at the Utilities Department Office the amount due for sewer for sewer service shall be due on the billing date, and shall become delinquent on the due date as shown on the bill. If the customer shall neglect or refuse to pay his bill on or before five (5:00) o'clock P.M. on the due date shown on the bill, the amount due will be increased by the late payment charge, if applicable. If the bill is not paid on or before the due date, a notice will be mailed to the customer that water service will be discontinued or sewer service terminated no earlier than ten (10) nor more than sixteen (16) days after that service will not be restored until the bill is paid in full, together with a reconnection fee in an amount set by the City Council.

New residential accounts not having established the preceding winter months billings basis will be billed the average monthly rate billed for all residential accounts until the aforementioned winter months billings are established and determined. If the actual sewer usage of a new residential

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customer can be established from competent data, then new residential accounts may be adjusted to actual usage prior to the aforementioned lowest three (3) months of the five (5) winter months billings being established and determined.

Consumers commencing their use of the sewerage system ten (10) days or less prior to the next meter reading period will not be rendered a separate bill for service for that period of ten (10) days or less service.

Customers commencing their use of the sewerage system more than ten (10) days prior to the next following meter reading will have rendered a bill for the full amount of the sewer use fee for a one (1) month period.

Customers ending their use of the sewerage system ten (10) days or less following the last meter reading will not be rendered a separate bill for that period of ten (10) days or less service. Customers ending their use of the sewerage system more than ten days following the last meter reading will have rendered a bill for the full amount of the sewer use fee for a one (1) month period.

It shall be the duty of all consumers to forthwith notify the Public Works Director upon commencing or terminating the use of the sewerage system by such consumer. If the customer should fail to give such notice he shall be charged for service to the premises until the Public Works Director is otherwise advised of such circumstances.

§3-321 MUNICIPAL SEWER DEPARTMENT; SERVICE DEPOSITS. An applicant may be required to accompany his application for sewer service with a service deposit to insure the payment of sewer bills and other charges. The service deposit amounts are set by ordinance by the City Council. The service deposit shall remain in the custody of the Utility Department as long as the applicant is a customer of the Sewer Department. Service deposits less such amount as the customer may owe the Sewer Department for service and other charges, if any, shall be refunded to the customer when service is no longer desired or otherwise permanently terminated.

§3-322 MUNICIPAL SEWER DEPARTMENT; LIABILITY OF CITY. The City does not guarantee the collection or treatment of sewage at any time to any person. The City expressly reserves the right to refuse or discontinue service for any of the following reasons:

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For repairs necessary to be made on any part of its sewage collection system or treatment plant, or other equipment for nonpayment of bills when due, for fraudulent representations in regard to the customer's sewage quantity or quality, for the protection of persons or property; for violation of any of the rules or requirements of this Article or the subsequent amendments thereto. The City shall use due and reasonable diligence to provide and supply uninterrupted service to customers, but shall not be liable for damages resulting from interruption of service or sewer line stoppages due to causes over which the City has no control, for damages resulting from materials introduced into the sewer by customers or others.

§3-323 MUNICIPAL SEWER RATES. The following monthly rate schedules shall apply to all customers of the Municipal Sewer Department, according to the applicable service classification:

A. ALL RESIDENTIAL SERVICE CLASSES:

Beginning, July 1, 2014

Minimum Charge: \$18.77 per month

Plus \$2.30 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

Beginning, January 1, 2015

Minimum Charge: \$26.06 per month

Plus \$2.52 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

Beginning, July 1, 2015

Minimum Charge: \$29.70 per month

Plus \$2.63 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

B. ALL COMMERCIAL SERVICE CLASSES:

Beginning, July 1, 2014

Minimum Charge: \$20.48 per month

Plus \$2.30 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

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Beginning, January 1, 2015
Minimum Charge: \$28.43 per month
Plus \$2.52 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

Beginning, July 1, 2015
Minimum Charge: \$32.40 per month
Plus \$2.63 per 1,000 gallons average monthly water consumption for the lowest three (3) months of water usage of the five (5) winter months of November, December, January, February, and March.

C. COMMERCIAL VARIABLE:

Beginning, July 1, 2014
Minimum Charge: \$20.48 per month
Plus \$2.30 per 1,000 gallons of actual water consumption each month.

Beginning, January 1, 2015
Minimum Charge: \$28.43 per month
Plus \$2.52 per 1,000 gallons of actual water consumption each month.

Beginning, July 1, 2015
Minimum Charge: \$32.40 per month
Plus \$2.63 per 1,000 gallons of actual water consumption each month.

D. ALL INDUSTRIAL CLASSES:

Beginning, July 1, 2014
Minimum Charge: \$2,250.00 per month
Plus \$1.77 per 1,000 gallons of actual water consumption each month.

Beginning, January 1, 2015
Minimum Charge: \$2,750.00 per month
Plus \$1.82 per 1,000 gallons of actual water consumption each month.

Beginning, July 1, 2015
Minimum Charge: \$3,000.00 per month
Plus \$1.84 per 1,000 gallons of actual water consumption each month.

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E. SURCHARGE FEES:

In addition to the flat and commodity fees listed herein, surcharge fees of \$0.44 per pound of B.O.C, \$0.22 per pound of T.S.S. and \$0.81 per pound of T.K.N. will be assessed to any users who discharge high strength wastewater.

(Amended by Ord. Nos. 1051(a), 12/1/87; 1052, 12/15/87; 1090, 8/1/89; 1098, 11/7/89; 1447, 06/01/99; 1448, 06/01/99; 1703, 05/06/08; 1721, 10/07/08; 1730 05/19/09; 1824, 4/17/12; 1830, 8/7/12; 1894, 05/06/14)

§3-324 MUNICIPAL SEWER DEPARTMENT; DEPOSIT OF FUNDS, REVIEW OF RATES AND NOTIFICATION OF CUSTOMERS. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the sewer system which the City may, by ordinance, designate to be paid by the user charge system.

At least once every two years, the City shall review the sewer user charge system in order to maintain its adequacy to pay the costs of operation and maintenance and the proportionality of charges among the users and user classes. Any excess revenues collected from a class of users shall be credited to that class for the next year and its rates will be adjusted accordingly.

That portion of the total user charge collected which is designated for operation and maintenance, including replacement, purposes shall be deposited in a separate non-lapsing fund and will be kept in two primary accounts as follows.

- (a) An account designated for the specific purpose of defraying operation and maintenance, excluding replacement, of the treatment works.
- (b) An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the replacement account shall be made annually from the operation, maintenance and replacement revenue in an amount specified and approved by the City Council. However, in no instance shall the amount so designated be less than \$17,750 annually.

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Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates. The user charge rate shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

The City will notify each user, at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement, of the treatment works. (Ord No. 1090, 8/1/89)

§3-325 MUNICIPAL SEWER DEPARTMENT.

A. CONNECTION CHARGES:

1. Connections or reconnections made during normal working hours: None.
2. Connections or reconnections made outside normal working hours at customer's request: None.

B. LATE PAYMENT CHARGES:

1. Ten (10%) percent.

C. COLLECTION CHARGES:

1. \$2.50

D. SERVICE DEPOSITS:

1. Residential - \$10.00; Commercial and Industrial \$10.00 minimum (the amount to be determined by the Public Works Director based on one and one half times the average monthly charge).

E. TAP FEES:

MINIMUM CHARGES:

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4" Sewer Service \$575.00

ALL TAP FEES WILL INCLUDE, in addition to the above charges, costs of removal and replacement of paving, curb, gutter, sidewalks, and any other such items that must be removed and replaced in order to install the service.

Tap fees for larger service lines will be set by the Public Works Director on an individual basis.

(Amended by Ord. No. 1090, 8/1/89; 1337, 9/3/96)

§3-325.01 MUNICIPAL SEWER DEPARTMENT; SLUG TREATMENT, FEES AND CHARGES.

A. Service Charges: \$15.00 per visit

B. In addition to the service charge set forth herein, \$20.00 per load, or the sum based on the following:

\$3.00 per 100 pounds C.O.D. per load, plus
\$5.00 per 100 pounds of dry solids per load, plus

\$.50 per 1,000 gallons of flow per load; whichever is greater.

C. In addition: \$20.00/man hour (after the first hour) plus \$10.00/barrel of grit

D. That all slug delivered for treatment is subject of inspection by the City of Crete. The City of Crete reserves the right to refuse any slug at any time and may require any person delivering slug for treatment to provide test results of the slug composition.

(Ord. No. 1170. 4/21/92) (Amended by Ord. No. 1237. 5/17/94)

§3-326 MUNICIPAL SEWER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. Any delinquent sewer rentals which remain unpaid for a period of three (3) months after they become due may be, by resolution of the Council, assessed against said real estate as a special assessment, which special assessment shall be certified by the Municipal Clerk to the County Clerk

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of Saline County Nebraska. The County Clerk shall thereupon place the same on the tax rolls for collection, subject to the same penalties and to be collected in like manner as other city taxes; provided, the City shall notify in writing non-occupying owners of premises or their agents whenever their tenants or lessees are sixty (60) days delinquent in the payment of sewer rent. Thereafter if the owner of said real estate or his agent within such City shall notify the Council or Commission in writing to discontinue sewer service to said real estate or the occupants thereof, it shall be the duty of the officer in charge of the sewer department promptly to discontinue said service; and rentals for any sewer service furnished to the occupants of said real estate in violation of said notice shall not be lien thereon.

§3-327 MUNICIPAL SEWER DEPARTMENT; PENALTIES. Any person found to be in violation of any provision of this ordinance, (except section 3-318) shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limits stated in such notice shall be charged with a violation of the Crete City Code, and on conviction thereof shall be punished as provided in section 3-1201 of the Crete City Code for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

Any person convicted of violating any of the provisions of this ordinance shall become liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation. (*Ord. No. 1090, 8/1/89*)

§3-328 MUNICIPAL SEWER DEPARTMENT; ABANDONED BUILDING SEWER. Any building sewer which is abandoned, for any reason, must be cut off from the City sewer, and capped in a manner and at such place, as the Public Works Director may approve, by the owner of the property being served by such building sewer.

§3-329 MUNICIPAL SEWER SYSTEM; 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

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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 casements up to and including the point of junction with the public main.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Public Works Director may cause such work to be done and assess the cost upon the property served by such connection. (Ref. 18-1748 RS Neb.)

§3-330 PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

§3-331 PUBLIC SEWERS; REQUIRED; MANDATORY HOOK-UP. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so; Provided, that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

§3-332 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE. Where a public sanitary or combined sewer is not available under the provisions of Section 3-208, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

§3-333 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Public Works Director. The application for such permit shall be made on a form furnished by the Municipality,

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which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Public Works Director.

§3-334 PRIVATE, SEWAGE DISPOSAL SYSTEM PERMIT, WHEN EFFECTIVE; INSPECTIONS. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Public Works Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice (except Saturday, Sunday and Holidays) by the Public Works Director.

§3-335 PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Nebraska. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§3-336 PRIVATE SEWAGE DISPOSAL SYSTEM; MANDATORY CONNECTION TO PUBLIC SEWER WHEN EFFECTIVE. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

§3-337 PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality.

§3-338 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS. No statement contained in Sections 3-209 thru 3-214 shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

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§3-339 MUNICIPAL SEWER DEPARTMENT; VALIDITY. The invalidity of any section, clause, sentence, or provision of Article 3, Chapter 3, of the Crete City Code shall not affect the validity of any other part of this City Code which can be given effect without such invalid part or parts.