

DEPARTMENTS

Article 1. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 17-531, 17-534, 19-1305 RS Neb.)

§3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

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 Municipality.

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 consumer's premise where the shut-off, stop box, or curb cock is located.

SERVICE PIPE. The term "service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location

on the premise where the water is to be dispersed.

SEPARATE PREMISE. The term "separate premise" is hereby defined to be more than one (1) consumer 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.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION. Every person or persons desiring a supply of water or electrical service must make application therefor to the Municipal Clerk. The Clerk shall require each applicant to make a meter deposit, which shall be combined with the meter deposit for electrical service, in such amount as has been set by the Governing Body and placed on file in the office of the Municipal Clerk; provided, that applicants for water and electrical service, including renters shall be required to make an additional deposit for water and electrical service in the amount as has been set by the Governing Body and placed on file in the office of the Municipal Clerk. (Ref. 17-537 RS Neb.)(Amended by Ord. No. 317, 11/6/85)

§3-104 MUNICIPAL WATER DEPARTMENT; SERVICE TO NON-RESIDENTS. The Department 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, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. (Ref. 19-2701 RS Neb.)

§3-105 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water

to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, upon notification by the Municipal Clerk, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of the Clerk.

§3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require an inspection by the Utilities Superintendent when the connections are

completed and before the pipes are covered. It is the customer's responsibility to notify the Superintendent at the time the work is ready for the 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 Utilities Superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. (*Ref. 17-537 RS Neb.*)

§3-107 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The Municipality shall pay the cost of tapping the main, supplying the meter and installing the meter. No person other than the Utilities Superintendent or his duly authorized agent shall tap the water main. The customer shall pay a tap fee in such sum as the Governing Body shall set and place on file in the office of the Municipal Clerk. The customer shall at his own expense bring water service from the main to and upon his own premise and shall employ a competent plumber who shall install water service to the place of dispersement. The customer shall also be responsible for supplying and installing the remote reader on the meter. Non-residents shall pay such tap fees and installation charges in such sums as the Governing Body, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits, may be made by means of water extension districts.

§3-108 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE. (a) The Municipality shall repair or replace, as the case may be, all commercial mains and the meter, except the remote reader. The customer at his own expense shall replace and keep in repair all supply and service pipe from the main to the place of dispersement, except the meter itself. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. All water meters shall be kept in repair by the Municipality at the expense of the Municipality.

When meters are worn out, they shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Utilities Superintendent shall bill and collect from the customer the cost of such meter repair or replacement 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 at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running two per cent (2%) or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Utilities Superintendent. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately.

(b) The owner of a water service line within or without the Municipality which is connected to the Municipal water system shall be required to repair or replace any water service line that services the owner's property when the line is damaged or is otherwise in need of repair or replacement. The property owner's duty to repair or replace such water service lines shall include those portions of the line upon the owner's property and those portions upon the public property or easements up to and including the point of junction with the curb stop.

(c) The City Clerk shall give the property owner notice by registered or certified mail, directed to the last known address of the owner or agent of the owner, directing the repair of any water service lines within ten days of the date of mailing of such notice. If within ten (10) days of the date of mailing such notice the property owner fails or neglects to cause the repairs or replacements to be made, the City Council may cause such work to be completed and assess the costs against the property for which the connection is made. Any damage that may result to public property, streets, alleys or other public utilities as a result of the property owner's neglect or failure to repair the water service lines shall also be assessed to the property. *(Amended by Ord. No. 8-2009, 12/9/09)*

**§3-108.1 MUNICIPAL WATER DEPARTMENT;
CURBSTOPS GENERALLY.**

(a) Every water service pipe shall be provided with an easily accessible curbstop for each consumer, so situated that the water can be conveniently shut off. Curbstops shall be of such patterns as shall be approved by the Utilities Superintendent-Premises within the City which are not in compliance with this section shall install the required curbstop when repair to, or maintenance of, the service pipe is required.

(b) Unless otherwise permitted by the Utilities Superintendent, curbstops shall be placed in the service pipe on the terrace one (1) foot from the property line, and protected by a box or iron pipe reaching from the top to the surface, of suitable size to admit a stop key for turning on and off the stop: also with a cast iron cover even with the pavement or curbing. The property owner is hereby required to keep said curbstop in good repair and if said property owner should fail to do so, then the Utilities Superintendent is hereby authorized to make the necessary repairs and the cost thereof shall be made a charge against said property owner the same as water rent.

(c) When the curbstop and/or water service line for a consumer is located in a terrace adjacent to property owned by someone other than the consumer, or where the water service line of a consumer is located on the property of another, the consumer shall remain

responsible for the maintenance of the water service line as set forth in Section 3-108 of this Code and the maintenance of the curbstop as set forth in Section 3-108.1 of this Code. The consumer 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 curbstop or water service line as required herein. (*Ord. No. 8-2009, 12/9/09*)

§3-108.2 MUNICIPAL WATER DEPARTMENT; SEPARATE CURBSTOPS FOR SEPARATE PREMISES. When a service pipe supplies two (2) or more distinct premises or tenements there shall be installed a separate curbstop for each of the premises or tenements, so the water supply may be shut off from one without interfering with the supply to others. The use of any such service pipes presently supplying two or more premises shall be discontinued once it becomes necessary for the supply pipe to be repaired. At such time, the existing service pipe shall be altered so that it supplies one premise only, and any and all other premises being supplied by such service pipe shall be supplied thereafter with water from its own separate service pipe equipped with the appropriate curbstop. (*Ord. No. 8-2009, 12/9/09*)

§3-109 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. (*Ref. 17-542 RS Neb.*)

§3-110 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable monthly at the office of the Municipal Clerk. The Utilities Superintendent shall read or cause to be read water meters monthly. It shall be the duty of the customers of the Water Department to present themselves monthly at the office

of the Municipal Clerk to pay their bills in net cash. The Municipal Clerk shall charge and collect from each customer for the amount of water consumed since the last examination together with any other charges, properly itemized, due the Water Department. Bills shall be due on the first (1st) day of each month and shall be payable by the tenth (10th) of each month. Bills paid after the tenth (10th) day of each month shall have a ten (10%) percent penalty charge added thereto. Bills not paid by the tenth (10th) day of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven (7) days after the sending of said notice, it shall be discretionary with the Municipal Clerk to commence disconnection procedures in compliance with Section 3-801. The Municipal Clerk shall assess an additional fee in the event that water is shut off for the non-payment of any water bill, to compensate the Municipality for the additional hook-up necessary to again provide water service to the delinquent customer. *(Ref. 17-542, 18-416 RS Neb.) (Ord. No. 370, 11/3/93) (Amended by Ord. No. 98-2, 5/6/98)*

§3-111 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Utilities Superintendent on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be

certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (*Ref. 17-538 RS Neb.*)

§3-112 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Municipal Clerk. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (*Ref. 17-537 RS Neb.*)

§3-113 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (*Ref. 17-537 RS Neb.*)

§3-113.1 ADOPTION OF DROUGHT EMERGENCY CONTINGENCY PLAN. The City shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The Mayor, or in his absence a City Official designated by the Mayor, is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The

Mayor (or his designee) is given discretion to declare each particular stage as deemed appropriate by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

(1) *Stage One: Water Watch.*

(a) This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen five (5) feet below normal seasonal levels.
2. System pressure falls below thirty-five (35) pounds per square inch.
3. Demand for one day is in excess of five hundred thousand (500,000) gallons per day.

(b) Goals: The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

(c) Management Actions:

1. Leaks will be repaired within forty-eight (48) hours of detection.
2. The City will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

(d) Regulation Actions: The public will be informed through the local media and posting in appropriate public locations of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets, to prevent any unnecessary use of water.

(2) *Stage Two: Water Warning.*

(a) This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen ten (10) feet below normal seasonal levels.
2. System pressure falls below thirty-five (35) pounds per square inch.

3. Plant operations are at eighty percent (80%) capacity for more than three (3) consecutive days.

4. Demand for one day is in excess of five hundred thousand (500,000) gallons per day.

(b) Goals: The goals of this stage are to reduce peak demands by twenty percent (20%) and to reduce overall weekly consumption by ten percent (10%).

(c) Management Actions:

1. Water supply will be monitored daily.

2. Leaks will be repaired within twenty-four (24) hours of detection.

3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

4. The City will curtail its water usage, including watering of City grounds and washing of vehicles.

(d) Regulation Actions: In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the Mayor (or his designee):

1. An odd/even lawn watering system will be imposed on City residents. Residents with odd-numbered houses will water on odd days, even-numbered houses, on even days.

2. Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m.

3. Refilling of swimming pools will be limited to one day a week after sunset.

4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.

5. Waste of water will be prohibited.

(3) *Stage Three: Water Emergency.*

(a) This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen fifteen (15) feet below normal seasonal levels.

2. System pressure falls below thirty-five (35) pounds per square inch.

3. Pumping lowers water levels to within five (5) feet of the top of the well screens.

4. Plant operations are at ninety percent (90%) capacity for more than three (3) consecutive days.

5. Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

(b) Goals: The goals of this stage are to reduce peak demands by fifty percent (50%) and to reduce overall consumption by twenty-five percent (25%).

(c) Education Actions:

1. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.

2. The City will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

(d) Management Actions:

1. The City water supplies will be monitored daily.

2. Leaks will be repaired within twenty-four (24) hours of detection.

3. Standby wells will be activated for contingency operation.

4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

5. The City will seek additional emergency supplies from other users, the state or federal government.

(e) Regulation Actions: In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the Mayor (or his designee):

1. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.

2. Waste of water will be prohibited.

(4) Enforcement: In the event that any water consumer fails to comply with the regulatory action taken by the City, the Mayor (or his designee) may direct the immediate discontinuance of water service

to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the Mayor/designee being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed. A shut-off fee and return to service fee will be imposed on any location at which there is discontinuance of water service under this provision. The City shall not be liable for any damages caused by shutting off the supply of water under this provision. (*Ord. No. 5-2006, 7/12/06*)

§3-114 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS. All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

§3-115 MUNICIPAL WATER DEPARTMENT; POLLUTION.
It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (*Ref. 17-536 RS Neb.*)

§3-116 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right of way in which there is now located or may, in the future, be located a water main is hereby required at his expense to connect such facilities with the Municipal Water System within ninety (90) days after date of official notice to do so; provided that said water main is within one hundred (100') feet of the property line. (*Ref. 17-539 RS Neb.*)

§3-117 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not

transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Utilities Superintendent is otherwise advised of such circumstances. *(Ref. 17-537 RS Neb.)*

§3-118 MUNICIPAL WATER DEPARTMENT; INSPECTION.

The Utilities Superintendent, 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, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. *(Ref. 17-537 RS Neb.)*

§3-119 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS.

It shall be the duty of the Municipal Police to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

§3-120 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.

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

§3-121 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS.

The Governing Body has the power and authority

to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. No flat rates for water service shall be quoted or allowed by the Governing Body. No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type. Persons, firms, or corporations desiring to use water temporarily shall pay such rates as the Utilities Superintendent, with the approval of the Governing Body, shall set. Without respect to schedule of rates for other customers, the Governing Body may enter into special contracts with large consumers of water, but never at a rate less than the cost of production; provided, that the contract shall always provide that the said large consumer shall always pay the minimum rate for other customers and the contract shall be made on the basis of water consumed in excess of said minimum. A meter shall always be attached to the water service of such contract consumer and read quarterly as in the case of other classes of water consumers. Water service furnished to the other departments of the Municipality and to other governmental subdivisions of the State of Nebraska shall be measured and billed for at such rates as the Governing Body shall set from time to time without respect to the schedule of rates on file at the office of the Municipal Clerk, but never at rates that do not cover the cost of providing water. Whenever water service is supplied to more than one (1) customer through the same supply pipe, each customer shall pay the minimum water service charge each month. In the event that two (2) or more customers are supplied through the same meter, the owner of the premise shall pay for all water consumed thereon plus separate minimums. One (1) bill only shall be computed for each meter. (*Ref. 17-540 RS Neb.*)

§3-122 BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

For purposes of this Section, lead free shall mean:

(1) Solders and flux - not more than two-tenths (.2%) percent lead, and

(2) Pipe and pipe fittings - not more than eight (8%) percent lead. (*Ref. 71-5301 RS Neb.*) (*Ord. No. 328, 11/9/88*)

§3-123 LOCATOR WIRE, INSTALLED WITH NON-METALLIC WATERLINES.

(1) All underground water lines made on non-metallic materials installed within the City of Wakefield (excluding feeder lines for underground lawn sprinkler systems from control valve to nozzles) shall have a #12 copper solid strand plastic coated locator wire placed with the water lines at the time they are installed.

(2) One end of locator wire shall be made accessible for attaching locator devices to it. (*Ord. No. 332, 6/7/89*)

§ 3-124 MUNICIPAL WATER DEPARTMENT; FLUORIDE.

The addition of fluoride to the City water system is hereby prohibited. (*Ord. No. 5-2009, 9/15/09*)

Article 2. Municipal Sewer Department

§3-201 MUNICIPAL SEWER DEPARTMENT; DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter or parts per million.

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes. INDUSTRIAL WASTES shall be synonymous with PROCESS WASTES.

INSPECTOR shall mean any person duly authorized by the Mayor and City Council of the City to inspect and approve installation of building sewers and their connection to the public sewer system, or other responsibilities as defined in this Article.

NATURAL OUTLET shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

MAY is permissive. See also SHALL.

MILLIGRAMS PER LITER (mg/l) shall be synonymous with parts per million (ppm).

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

pH shall mean the reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

PROCESS WASTES shall be synonymous with INDUSTRIAL WASTES.

PROPERLY SHREDED GARBAGE shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLIC SEWER shall mean a sewer for which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE is the spent water of a community. The preferred term is WASTEWATER.

SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SHALL is mandatory. See also MAY.

SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (sometimes termed STORM SEWER) shall mean a sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling water.

SUSPENDED SOLIDS shall mean total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

UNPOLLUTED WATER is water of quality equal to or better than the effluent criteria in effect and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions. NORMAL WASTEWATER shall mean wastewater which, when analyzed, shows by weight a daily average of not more than two hundred fifty (250) parts per million of BOD or where biochemical oxygen demand cannot accurately be determined, a chemical oxygen demand not greater than five hundred (500) parts per million and not more than one hundred (100) parts per million of either soluble matter (grease and oil) each.

WASTEWATER FACILITIES shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with WASTE TREATMENT PLANT or WASTEWATER TREATMENT PLANT or WATER POLLUTION CONTROL PLANT.

WATERCOURSE shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (*Ord. No. 293, 5/2/79*)

§3-202 MUNICIPAL SEWER DEPARTMENT; USE OF PUBLIC SEWERS REQUIRED. (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Wakefield, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the City of Wakefield, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

(3) 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.

(4) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may, in the future, be located a public sanitary or combined sewer of the City is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so provided that said public sewer is within one hundred (100) feet of the property line. (*Ord. No. 293, 5/2/79*)

§3-203 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWERS AND CONNECTIONS. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Clerk.

(2) (a) There shall be two (2) classes of building sewer permits:

1. For residential and commercial service, and
2. For service to establishments producing industrial

wastes.

(b) In either case, the owner or his agent shall make application which shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the City Clerk. A permit and inspection fee of five dollars (\$5.00) for a residential or commercial building sewer permit and fifteen dollars (\$15.00) for an industrial building sewer permit shall be paid to the City Clerk at the time the application is filed.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(5) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Inspector to meet all requirements of this Article.

(6) The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe, or other suitable material approved by the Inspector. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Inspector.

(7) The size and slope of the building sewer shall be subject to the approval of the Inspector, but in no event shall the diameter be less than six (6) inches. The minimum slope of such six (6)-inch pipe shall preferably be one-eighth (1/8) inch per foot, but not less than one-sixteenth (1/16) inch per foot.

(8) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient

to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(9) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

(10) All excavations required for installation of a building sewer shall be open trench work unless otherwise approved by the Inspector.

(11) All joints and connections shall be made gastight and watertight.

(12) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the Inspector. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located "Y" branch is available, a neat hole shall be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Inspector.

(13) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative.

(14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the

public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(15) No person shall make connection of roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (*Ord. No. 293, 5/2/79*)

§3-204 MUNICIPAL SEWER DEPARTMENT; USE OF PUBLIC SEWERS.

(1) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, interior or exterior foundation drainage water, ground-water, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the Inspector, provided the payment of a user charge equivalent to the cost of treating the polluted drainage is made.

(2) Stormwater other than that exempted under division (1) above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Inspector and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Inspector to a storm sewer, or natural outlet.

(3) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers or to the wastewater treatment plant:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance 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/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rag, 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.

(e) 1. Any waters or wastes having:
a. A five (5)-day BOD greater than two hundred fifty (250) parts per million by weight, or
b. Containing more than two hundred fifty (250) parts per million by weight of suspended solids, or
c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City shall be subject to the review of the Inspector.

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

a. Reduce the biochemical oxygen demand to two hundred fifty (250) parts per million by weight, or
b. Reduce the suspended solids to two hundred fifty (250) parts per million by weight, or
c. Control the quantities and rates of discharge of such waters or wastes.

3. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Inspector and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(4) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Inspector may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objections. In forming his opinion as to the acceptability, the Inspector will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Inspector are as follows:

(a) Any liquid or vapor having a temperature higher than 150° Fahrenheit (65° Celsius).

(b) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral origin.

(c) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150° Fahrenheit (0 and 65° Celsius).

(d) Any garbage that has not been properly shredded, as defined in section 3-201, (3/4 HP maximum without the approval of the Inspector). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such

degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Inspector for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances exceeding limits which may be established by the Inspector, or in excess of the limits required to meet applicable Federal, State and local requirements.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Inspector in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (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).

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

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

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

(k) Any concentrated or high-strength industrial wastes such as whole blood, whole milk, whey, eggs or any milk-processing waste and other wastes which contain large amounts of organic materials.

(l) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(m) Acid iron, pickling wastes and plating solutions are prohibited.

(5) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (4) above, and which in the judgment of the Inspector may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Inspector may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by normal sewer charges under the provisions of division (10) below.

If the Inspector permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Inspector.

(6) Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in division (4)(c) above, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Inspector. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

(7) Where pretreatment of flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(8) When required by the Inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurements of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Inspector. The structure 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.

(9) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(10) The Inspector may require a user of sewer services to provide information needed to determine compliance with this Article. These requirements may include:

(a) Wastewaters discharge peak rate and volume over a specified time period;

- (b) Chemical analyses of wastewaters;
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality;
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- (f) Details of wastewater pretreatment facilities;
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(11) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment. (*Ord. No. 293, 5/2/79*)

§3-205 MUNICIPAL SEWER DEPARTMENT; POWERS AND AUTHORITY OF INSPECTORS.

(1) The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this Article.

(2) The Inspector or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(3) While performing the necessary work on private properties referred to in division (1) above, the Inspector or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall

indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 3-204(8).

(4) The Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easements, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(5) The Inspector's decisions shall be subject to review by the City Council and objectors to the decisions of the Inspector may appeal to the City Council. (*Ord. No. 293, 5/2/79*)

§3-206 MUNICIPAL SEWER DEPARTMENT; PENALTIES.

(1) A person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of this 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.

(2) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(3) Any person who shall continue any violation beyond the time limit provided for in division (1) above shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(4) Any person violating any of the provisions of this Article shall become liable to the City for any expense loss, or damage occasioned the City by reason of such violation. (*Ord. No. 293, 5/2/79*)

Article 3. Fire Department

§3-301 FIRE DEPARTMENT; OPERATION AND FUNDING.

The City of Wakefield and the Rural Fire District according to their merger agreement operate the Fire Department through the Fire Chief and Firemen. The Governing Body of the District, for the purpose of defraying the cost of the management , maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, on the actual valuation of all real estate and personal property within the District that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The District may also enter into agreements with other Rural Fire Districts for cooperation providing mutual aid and protection for all of the residents therein. (*Ref. 17-149, 17-953, 35-513, 35-518, 35-530 thru 35-536 RS Neb.*)

§3-302 FIRE DEPARTMENT; FIRE CHIEF. The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same.

§3-303 FIRE DEPARTMENT; MEMBERSHIP. The Fire Chief shall appoint no more than twenty-five (25) members for each Fire Department Company subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Fire Protection District for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least five thousand (\$5,000.00) dollars for death from any cause to age sixty-five (65) and such

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shall be severally vested with the usual powers and authority of Municipal Policemen to command all persons to assist them in the performance of their duties.

§3-314 FIRE DEPARTMENT; FIRE INVESTIGATION. It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged in excess of fifty (\$50.00) dollars. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he may call for. *(Ref. 81-506 RS Neb.)*

§3-315 FIRE DEPARTMENT; RESCUE UNIT. The Fire Department shall also operate a Rescue Unit for the benefit of those within the Fire Protection District. The fees for rescue services shall be approved by the City Council. *(Ref. 35-514.02 RS Neb.)*

Article 4. Municipal Police Department

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

§3-402 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION. (1) No police officer, including the Chief of Police, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the City Council.

(2) Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten days after being notified by of such disciplinary action, suspension, demotion, removal, or discharge, file with the Municipal Clerk a written demand for a hearing before the City Council. The City Council shall set the matter for hearing not less than ten nor more than twenty days after the filing of the written demand for a hearing. The City Council shall give the

police officer written notice of the hearing not less than seven nor more than fourteen days prior to the hearing.

(3) At the hearing, the police officer shall have the right to: (a) respond in person to the charges and to present witnesses and documentary evidence; (b) confront and cross-examine available adverse witnesses; and (c) to be represented by counsel.

(4) Not later than thirty days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse, or modify the disciplinary action, suspension, demotion, removal, or discharge. The failure of the City Council to act within thirty days or the failure of a majority of the elected Councilmembers to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal, or discharge. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

(5) Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders. (*Ref. 17-107 RS Neb.*) (*Ord. No. 405, 10/2/96*)

§3-403 POLICE DEPARTMENT; AUTHORITY TO CONTRACT WITH OTHER LAW ENFORCEMENT AGENCIES TO PERFORM THE DUTIES OF AND ACT IN LIEU OF THE MUNICIPAL POLICE DEPARTMENT.

The City Council may contract with other law enforcement agencies within the State of Nebraska to provide law enforcement for the City of Wakefield in lieu of maintaining a Municipal Police Department. In the event that the City does contract with another law enforcement agency to provide law enforcement for the City of Wakefield, said law enforcement agency and its officers shall have the authority to act in all respects the same as any officer of the Municipal Police Department to enforce the ordinances of the City of Wakefield and the statutes of the State of Nebraska and any rules or regulations pursuant thereto. (*Ord. No. 409, 5/14/97*)

§ 3-706 MUNICIPAL ELECTRICAL SYSTEM; ELECTRICIAN. Under no circumstances shall connections be made between the wires of the electrical distribution system of this Municipality and the meter of the consumer, except by an employee of the Municipality. The consumer may have wiring done by any competent electrician from the meter to the points of distribution. All wiring, equipment, and apparatus shall be installed according to the electrical code duly adopted by the Municipality. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent: provided, that such rules, regulations, and specifications have been reviewed and approved by the Governing Body.

§ 3-707 MUNICIPAL ELECTRICAL SYSTEM; INSTALLATION EXPENSE. The expense of installation and equipment up to the point where the electrical connection is made by the Municipality to the equipment of the consumer shall be paid by the Municipality. In addition, the Municipality shall provide the electrical meter at no cost to the consumer. The cost of the mast and meter socket shall be paid by the consumer including the cost of installation. The expense of installation and wiring from the point where the electrical connection is made by the Municipality to the equipment of the consumer to the points of distribution shall be the responsibility of the consumer. Any consumer who desires underground installations shall be required to pay the difference in cost between overhead and underground installation. Maintenance and replacement expense shall be apportioned in the same manner. *(Amended by Ord. No. 99-8, 10/6/99)*

§ 3-708 MUNICIPAL ELECTRICAL SYSTEM; METERS.

All electrical meters shall be read at least one (1) time each month during which electrical service is used on or about the twentieth (20th) day of the month. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six (6) month average of the season one (1) year previous to such breakage shall be used for billing purposes.

§ 3-709 MUNICIPAL ELECTRICAL SYSTEM; FEES AND COLLECTIONS. The Governing Body has the power and authority to fix the rates to be paid by electrical consumers for the use of electricity. All rates shall be on file for public inspection at the office of the Municipal Clerk.

§ 3-710 MUNICIPAL ELECTRICAL SYSTEM; COLLECTION OF ELECTRICAL BILLS. Electrical bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the Municipal Water Department shall also be applicable to delinquent accounts with the Municipal Electrical System.

§ 3-711 MUNICIPAL ELECTRICAL SYSTEM; MINIMUM RATES. All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall, by written order direct the Utilities Superintendent to shut off the electricity in which case he shall not be liable thereafter for electrical service until the electricity is turned on again.

§ 3-712 MUNICIPAL ELECTRICAL SYSTEM; RE-STRICED USE. The Municipal Electrical System does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Utilities Superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (*Ref. 17-902 RS Neb.*)

§ 3-713 MUNICIPAL ELECTRICAL SYSTEM; METER IN DISREPAIR. In the event that any customer's meter falls out of repair or fails to register properly, the Superintendent shall charge such customer the same amount billed one (1) year previous to such disrepair. In the event that there is no such basis for comparison, the Superintendent shall charge the customer such amount as he deems is fair both to the customer and the Municipality.

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Article 8. Utilities Generally

§3-801 MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE. The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within twenty (20) days after the date that the same becomes delinquent. Before any termination, the Department of Utilities shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days. As to any subscriber who has previously been identified as a welfare recipient to the Department by the County Welfare Department, such notice shall be by certified mail and notice of such proposed termination shall be given to the County Welfare Department.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which

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shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household . Such certificate shall be filed with the Department of

Utilities within five (5) days of receiving notice under this Section and will prevent the disconnection of the Department's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this sub-section for each incidence of non-payment of any due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;

9. A statement that the domestic subscriber may arrange with the Department for an installment payment plan;

10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

11. Any additional information not inconsistent with this Section which has received prior approval from the Governing Body.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

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

This Section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (*Ref. 19-2601 et seq. RS Neb.*)

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Article 9. Penal Provision

§3-901 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction, thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense, recoverable with costs. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref 17-505 RS Neb) (Amended by Ord. No. 7-2009, 11/11/09)*

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