CHAPTER 3 – DEPARTMENTS

ARTICLE 1. WATER DEPARTMENT

3-101 OPERATION AND FUNDING
3-102 DEFINITIONS
3-103 CONSUMER'S APPLICATION
3-104 SERVICE TO NONRESIDENTS
3-105 WATER CONTRACT
3-106 INSTALLATION PROCEDURE
3-107 INSTALLATION EXPENSE
3-108 REPAIRS AND MAINTENANCE
3-109 FEES AND COLLECTIONS
3-110 MINIMUM RATES
3-111 LIEN
3-112 SINGLE PREMISES
3-113 RESTRICTED USE
3-114 FIRE HYDRANTS
3-115 POLLUTION
3-116 MANDATORY HOOKUP
3-117 WATER SERVICE CONTRACTS
3-118 INSPECTION
3-119 POLICE REPORTS
3-120 DESTRUCTION OF PROPERTY
3-121 BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING
3-122 UNSAFE PHYSICAL CONNECTION TO WATER SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT
3-123 INCORRECT INSTALLATION; CORRECTION
3-124 WELLHEAD ENCROACHMENT POLICY; DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES; PERMIT REQUIRED
3-125 WELLHEAD ENCROACHMENT POLICY; DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES; PROCEDURE TO OBTAIN PERMIT
3-126 WELLHEAD ENCROACHMENT POLICY; PROHIBITED DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM CITY WATER SOURCES
3-127 WELLHEAD ENCROACHMENT POLICY; PENALTIES AND ABATEMENT PROCEDURE

ARTICLE 2. SEWER DEPARTMENT

3-201 OPERATION AND FUNDING
3-202 APPLICATION FOR PERMIT
3-203 SEWER CONTRACT

3-204 MANDATORY HOOKUP
3-205 DIRECT CONNECTIONS
3-206 SERVICE CONTRACTS
3-207 INSTALLATION PROCEDURE
3-208 INSTALLATION EXPENSE
3-209 REPAIRS AND MAINTENANCE
3-210 CLASSIFICATION
3-211 RATE SETTING
3-212 OLD HOUSE SEWERS
3-213 UNLAWFUL USE
3-214 MANHOLES
3-215 INSPECTIONS
3-216 SERVICE TO NONRESIDENTS
3-217 LIEN

ARTICLE 3. UTILITIES GENERALLY

3-301 UTILITY BILLS
3-302 DISCONTINUANCE OF SERVICE, NOTICE; PROCEDURE
3-303 DIVERSION OF SERVICES; PENALTY

ARTICLE 4. POLICE DEPARTMENT

3-401 DUTIES
3-402 RESERVE OFFICER BOND
3-403 POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION
3-404 ARREST AND ENFORCEMENT JURISDICTION

ARTICLE 5. SWIMMING POOL

3-501 OPERATION AND FUNDING
3-502 RULES AND REGULATIONS
3-503 ADMISSION CHARGE
3-504 RENTALS

ARTICLE 6. LIBRARY

3-601 OPERATION AND FUNDING
3-602 BOOKS
3-603 RULES AND REGULATIONS
3-604 BOOKS ISSUED
3-605 DAMAGED AND LOST BOOKS
3-606 BOOK LABELING
3-607 BOOK REMOVAL
3-608 COST OF USE

3-609 MONEY COLLECTED

ARTICLE 7. AUDITORIUM

3-701 OWNERSHIP
3-702 RENTALS
3-703 RULES AND REGULATIONS

ARTICLE 8. PENAL PROVISION

3-801 VIOLATION; PENALTY

CHAPTER 3 – DEPARTMENTS

Article 1. Water Department

§3-101 CITY WATER DEPARTMENT; OPERATION AND FUNDING.

The City owns and operates the City Water Department through the Utilities Superintendent. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the 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 City Treasurer. The Utilities Superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of 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 City Council. The 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 City Clerk for public inspection at any reasonable time. (Ref. 17-531, 17-534, 19-1305 RS Neb.)

§3-102 CITY 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" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the City.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe tapped into a main and extending from there to the location on the premises where the water is to be disbursed.

§3-103 CITY WATER DEPARTMENT; CONSUMER'S APPLICATION.

A. Every person or persons desiring a supply of water must make application to the City Clerk upon a form supplied by the City. Each application by a non-owner or occupant of the premises to be supplied shall be accompanied by a service deposit in the amount set by resolution of the City Council according to the following schedule:

1. If the applicant is the property owner and the service is new, the deposit will be credited against the account after one year, providing that an on-time payment history has been established.

2. If the applicant currently has an account with a good credit history at another property and is transferring that water service to a new account, no deposit will be required.

3. If the applicant is renting the property and NOT the property owner, the deposit will be held by the City until such time as the applicant purchases the house and establishes a solid payment history or moves out of the service area, at which time the deposit will be applied to the outstanding bill and the remainder refunded to the applicant.

B. If a new water connection is desired, the application, whether by owner or non-owner, shall be accompanied by the tap fee hereinafter specified; provided, in the event the new application for water service is for a building that has not previously received service from the City, a readout shall be taken prior to hookup by the City and charged to the applicant in an amount equal to the City's cost.
(Ref 17-537 RS Neb.) (Am. by Ord. No. 639, 11/10/08)

§3-104 CITY WATER DEPARTMENT; SERVICE TO NONRESIDENTS.

The Department shall not supply water service to any person outside the corporate limits without special permission from the City Council; 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 City to provide water service to nonresidents. (Ref. 19-2701 RS Neb.)

§3-105 CITY WATER DEPARTMENT; WATER CONTRACT.

The City 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 or may hereafter be laid. The City 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 the City as and when, according to law, the City Council 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 of water service or consumption of water by any present consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the City, 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 City Council may hereafter adopt, the Utilities Superintendent or his agent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises, or place shall again be made except by order of said Superintendent or agent.

(Continued on next printed page)

(This page intentionally left blank)

(This space intentionally left blank)

§3-106 CITY 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 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. The inspection shall be made when connections or repairs 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 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, the said rules, regulations, and specifications have been reviewed and approved by the City Council. (Ref. 17-537 RS Neb.)

§3-107 CITY WATER DEPARTMENT; INSTALLATION EXPENSE.

A. A tap fee payable to the City Clerk by the owner of record of the premises served shall be charged for the original tap into the commercial main serving each premises within the corporate limits of the City according to the following schedule:

3/4" service with 5/8" standard meter	$200.00
3/4" service with a 3/4" standard meter	$250.00
1" service with a 1" standard meter	$300.00

If the original tap size is larger than 1" or the tap is made into a line serving a premises outside the corporate limits of the City, the tap fee shall be the basic charge for a 1" tap, plus any additional expense reasonable necessary for installation if the larger tap as determined by the Utilities Superintendent.

B. No tap fee shall be charged for a new or replacement tap serving a premises already provided by an original tap unless the retap is of a larger size than the original tap. If the retap is of a larger size than the original tap, the tap fee shall be $25.00 plus the cost of any parts necessary. For purposes of this section, replacement tap shall mean the placement of new materials of the same or different size into the original tap and a new tap shall mean a completely new opening in the line in addition to the original tap.

C. For each original tap into the commercial main, the City shall furnish the following:

1. A corporation valve;
2. A 3/4" or 1" water meter;
3. Labor to install the original tap into the commercial main.

All other expenses of bringing water service to the premises shall be borne by the consumer.

The meter furnished by the City shall remain the property of the City. The consumer shall be liable for any damage proximately caused by his negligence or that of any member of his household, his employees, invitees, or licensees authorized by the consumer to be on the premises.

D. For each new or replacement tap as defined by subsection (B) of this section, the City shall furnish a corporation valve and the labor necessary to install the new or replacement tap into the commercial main. The consumer shall pay ALL other expenses, including the expense of procuring the service of a plumber, and the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the main to the place of disbursement. All work shall be performed by a plumber and the materials and fittings used in the new or replacement tap shall be approved by the Utilities Superintendent.
(Amended by Ord. 610, 4/11/05)

§3-108 CITY WATER DEPARTMENT; REPAIRS AND MAINTENANCE.

A. The customer at his/her own expense shall replace and keep in repair all service pipe from the commercial main to the place of disbursement. When leaks occur in supply pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the Superintendent's satisfaction. All water meters shall be kept in repair by the City at its expense. When meters are worn out, they shall be replaced and reset by the City at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his/her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the 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 his/her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the expense of such test shall be borne by the City. The City reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the City shall always have the right to place a new meter on the customer's water service fixtures at City expense.

B. 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 quarterly consumption during the same quarter of the preceding year; provided, 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.
(Ref. 17-537 RS Neb.)

§3-109 CITY WATER DEPARTMENT; FEES AND COLLECTIONS.

A. The City Council 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 City Clerk. No flat rates for water service shall be quoted or allowed by the City Council. 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 City Council, shall set. Without respect to schedule of rates for other customers, the City Council may enter into special contracts with large consumers of water, but never at a rate less than the cost of production; provided, the contract shall always provide that the said large consumer shall always pay the minimum rate paid by 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 City and to other governmental subdivisions of the State shall be measured and billed for at such rates as the City Council shall set from time to time without respect to the schedule of rates on file at the office of the City Clerk, but never at rates that do

not cover the cost of providing water. Whenever water service is supplied to more than one customer through the same supply pipe, each customer shall pay the minimum water service charge each month. In the event that two or more customers are supplied through the same meter, the owner of the premises shall pay for all water consumed thereon. One bill only shall be computed for each meter.

B. The rates for monthly water usage shall be established by the City Council by ordinance and shall be on file in the office of the City Clerk for public inspection.
(Ref. 17-540 RS Neb.) (Amended by Ord. No. 665, 6/11/12)

§3-110 CITY 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/she shall not be liable thereafter for water rental until the water is turned on again. (Ref 17-542 RS Neb.)

§3-111 CITY WATER DEPARTMENT; LIEN.

A. In addition to all other remedies, any amount due and owing for water service furnished is hereby declared to be a lien upon the real estate for which the same was used.

B. Once an amount for water service furnished continues to be due and owing the 21st of each month, the City Clerk shall notify in writing, by regular first-class U. S. Mail, postage prepaid, all owners, occupants, lessees and mortgagees of the premises for which the same was used of said amount.

C. Once an amount for water service furnished has been due and owing for 45 days or more, and after providing the notification set forth in subsection (B) of this section, the City Clerk may present said unpaid account to the City Council, together with a description of the premises upon which the same was used, for permission to file said amount as a lien.

D. Once the City Council has given permission to file a lien for an amount due and owing for water service furnished, the City Clerk shall file a lien with the County Clerk/Registrar of Deeds for said unpaid account, including within the language of the lien document that said amount is to be collected as a special tax in the manner provided by law. Once the City Clerk has received a file stamped copy and/or original of the filed lien from the County Clerk/Registrar of Deeds, the Clerk shall send a copy of said file stamped lien by first class mail, postage prepaid, to all owners, occupants, lessees and mortgagees for the premises against which the lien has been filed.
(Amended by Ord. No. 547, 7/26/99)

(Continued)

§3-112 CITY WATER DEPARTMENT; SINGLE PREMISES.

No consumer shall supply water to other families, or allow them to take water from his/her premises, 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 premises for alteration, extension, or attachment without the written permission of the Utilities Superintendent. 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 CITY WATER DEPARTMENT; RESTRICTED USE.

The City Council or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The City 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 City has no control. (Ref.17-537 RS Neb.)

§3-114 CITY 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 City Fire Department under the orders of the Fire Chief, the Assistant Fire Chief, or members of the Water Department or Street 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 CITY 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 City Water Department. (Ref. 17-536 RS Neb.)

§3-116 CITY WATER DEPARTMENT; MANDATORY HOOKUP.

All persons within 300 feet of a water main shall be required to hook up with the City Water System upon notice by the City Council. (Ref. 17-539 RS Neb.)

§3-117 CITY 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 premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the Utilities Superintendent, who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the Superintendent

is otherwise advised of such circumstances. (Ref. 17-537 RS Neb.)

§3-118 CITY WATER DEPARTMENT; INSPECTION.

The Utilities Superintendent or duly authorized agent shall have free access at any reasonable time to all parts of each premises 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 and compliance with federal and state law, rules, and regulations. (Ref. 17-537 RS Neb.)

§3-119 CITY WATER DEPARTMENT; POLICE REPORTS.

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

§3-120 CITY 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 City 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 CITY WATER DEPARTMENT; BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING.

A. A customer of the City Water Department may be required by the Utilities Superintendent to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the Utilities Superintendent.

B. The customer shall make application to the Utilities Superintendent to install a required backflow prevention device on a form provided by the City. The application shall contain at a minimum the name and address of the applicant, the type of potential hazard protection required, and the type of backflow device to be installed, including brand and model number.

C. The Utilities Superintendent shall approve or disapprove the application based on his/her opinion of whether such installation will protect the City Water Distribution System from potential backflow and backsiphonage hazards.

D. The installation of the device shall be performed by or under the direction of a state certified backflow device installer or a plumber licensed by the City, if applicable, and shall be subject to all other sections of this code dealing with installation of plumbing.

E. Such customer shall also certify to the City at least one time annually that the backflow prevention device has been tested each year by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the City Clerk.

F. No person shall install a backflow device without approval of the Utilities Superintendent or in conformance to this paragraph.

G. Any decision of the Utilities Superintendent may be appealed to the City Council.

§3-122 CITY WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT.

A. No customer or other person shall cause, allow, or create any physical connection between the City Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplied or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the City Water Distribution System.

B. At least one time every five years, customers of the City Water Distribution and Supply System shall be required to assess and report potential backflow and backsiphonage hazards to the City on a form supplied by the City. All customers shall take any steps necessary for protection of public health and safety as determined by the Utilities Superintendent.

§3-123 CITY WATER DEPARTMENT; INCORRECT INSTALLATION; CORRECTION.

When a device is incorrect in installation and/or hazard protection, the customer shall be notified by the Utilities Superintendent and allowed a maximum of 30 days to correct the deficient condition and certify that the affected plumbing meets the requirements of the plumbing code.

§3-124 CITY WATER DEPARTMENT; WELLHEAD ENCROACHMENT POLICY; DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES; PERMIT REQUIRED.

From and after the effective date of Sections 3-124 through 3-127, it shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the City without first having obtained the proper permit from the City Council of the City: potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility, petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well. (Ord. No. 581, 11/12/02)

§3-125 CITY WATER DEPARTMENT; WELLHEAD ENCROACHMENT POLICY; DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES; PROCEDURE TO OBTAIN PERMIT.

In order to obtain a permit to drill and/or operate any of the facilities listed in Section 3-124, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the City Council. Such application must be presented to the City Clerk's office in advance of any regular or special meeting in order to be presented to the Council for approval at such meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, then the City Council must approve or deny said permit. In the event that an application is not reviewed by the City Council within 60 days after receiving said application, the actions/activity applied for shall be deemed approved. The Council may offer a letter of explanation to an applicant showing cause for delay of review of any application. Limitations or conditions of use may be required by the City Council, including but not limited to permits from other governing agencies. (Ord. No. 581, 11/12/02)

§3-126 CITY WATER DEPARTMENT; WELLHEAD ENCROACHMENT POLICY; PROHIBITED DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM CITY WATER SOURCES.

Under no circumstances shall the City Council approve any permit to drill or operate any of the following-described facilities within the indicated number of feet from the City's water wells:

Potable water well	1,000 feet
Any other well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for water	500 feet
Cesspool	500 feet
Dumping grounds	500 feet
Feedlot or feedlot runoff	500 feet
Livestock corral or pasture	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet

(Ord. No. 581, 11/12/02)

§3-127 CITY WATER DEPARTMENT; WELLHEAD ENCROACHMENT POLICY; PENALTIES AND ABATEMENT PROCEDURE.

In the event any of the above-described facilities are installed or operated without first having

obtained a permit from the City and/or within a designated number of feet from the City's water supply, then such facilities shall be deemed a nuisance and the governing board shall abate such facility as a public nuisance pursuant to Chapter 4, Section 4-203 of this Code. Penalties for violating any of the terms of Sections 3-124 through 3-126 can be found in Section 3-901 of this code. (Ord. No. 581, 11/12/02)

Article 2. Sewer Department

§3-201 CITY SEWER DEPARTMENT; OPERATION AND FUNDING.

The City owns and operates the City Sewer System through the Utilities Superintendent. The City Council, for the purpose of defraying the cost of the management and maintenance of the City Sewer System, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of the office. He/she 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 City Council. (Ref. 17-149, 17-925.01 RS Neb)

§3-202 CITY SEWER DEPARTMENT; APPLICATION FOR PERMIT.

Any person wishing to connect with the Sewer System shall make an application therefor to the City Clerk. The Superintendent 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 City Clerk. Sewer service may not be supplied to any house or building except upon the order of the Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to nonresidents. (Ref. 17-149, 19-2701 RS Neb)

§3-203 CITY SEWER DEPARTMENT; SEWER CONTRACT.

The City, through the City 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 City may also furnish sewer service to persons whose premises are situated outside the corporate limits of the City as and when, according to law, the City Council may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this Article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the Utilities Superintendent or agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the Superintendent or agent. (Ref. 17-901, 17-902 RS Neb.)

§3-204 CITY SEWER DEPARTMENT; MANDATORY HOOKUP; LAWFUL DEPOSIT OF WASTES AND UNTREATED SEWAGE; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED.

A. Upon written notice by the Utilities Superintendent, the property owner, occupant, or lessee of any premises within 300 feet of any sewer main shall cause the said building to be connected with the Sewer System without delay and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its construction. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after notice has been given to him/her to do so by registered mail or by publication in a newspaper in or of general circulation in the City, the City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

B. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, within one mile of the corporate limits thereof, or in any area under its jurisdiction any human or animal excrement, garbage or other objectionable waste.

C. It shall be unlawful to discharge to any natural outlet within the City, within one mile of the corporate limits thereof, or in any area under its jurisdiction any sewage or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

D. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ref. 17-149, 17-149.01 RS Neb.) (Am. by Ord. No. 677, 11/11/13)

§3-205 CITY SEWER DEPARTMENT; DIRECT CONNECTIONS.

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two or more houses be allowed to make such connections through one pipe. (Ref. 18-503 RS Neb.)

§3-206 CITY SEWER DEPARTMENT; SERVICE CONTRACTS.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he/she shall at once inform the Utilities Superintendent, who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances. (Ref. 18-503 RS Neb.)

§3-207 CITY SEWER 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 the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 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 owner, occupant, or lessee of the property. All installations or repairs of pipes require an inspection by the Superintendent. The inspection shall be made when connections or repairs are complete and before the pipes are covered. It is the customer's responsibility to notify the Superintendent at the time the work is ready for inspection. 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 the said rules, regulations, and specifications have been reviewed and approved by the City Council. (Ref. 18-503 RS Neb.)

§3-208 CITY SEWER DEPARTMENT; INSTALLATION EXPENSE.

The customer, upon approval of his/her application for sewer service, shall pay to the Utilities Superintendent a tap fee which shall compensate the City for the expense of processing his/her application and tapping the sewer main. The Superintendent in his/her discretion may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and the services of a licensed plumber and shall pay all other costs of installation. (Ref. 18-503 RS Neb.)

§3-209 CITY SEWER DEPARTMENT; REPAIRS AND MAINTENANCE.

The City 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 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 Utilities Superintendent; provided, the same have been previously approved by the City Council.

§3-210 CITY SEWER DEPARTMENT; CLASSIFICATION.

The City Council may classify the customers of the City Sewer Department for the purpose of rental fees; provided, such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Ref. 17-925.02 RS Neb.)

§3-211 CITY SEWER DEPARTMENT; RATE SETTING.

A. The rates for monthly sewer usage shall be established by the City Council by ordi-

nance and shall be on file in the office of the City Clerk for public inspection.

B. If there is a second water meter at any residence for irrigation, there will be no sewer charges for the second meter.
(Amended by Ord. No. 665, 6/11/12)

§3-212 CITY SEWER DEPARTMENT; OLD HOUSE SEWERS.

Old house sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the Utilities Superintendent, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the Superintendent shall notify the owner to make the necessary changes to conform to the provisions of the City Code.

§3-213 CITY 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, surface drainage, or unpolluted industrial process waters into the sanitary sewer.

§3-214 CITY SEWER DEPARTMENT; MANHOLES.

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the Sewer System any substance which is not the usual and natural waste carried by the system.

§3-215 CITY SEWER DEPARTMENT; INSPECTIONS.

The Utilities Superintendent or authorized agents shall have free access at any reasonable time to all parts of each premises and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this article therein.

§3-216 CITY SEWER DEPARTMENT; SERVICE TO NONRESIDENTS.

Any person whose premises is located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the City Sewer System shall file a written application with the City Clerk for a permit for such connection, setting forth the name of the owner, occupant, or lessee of the premises, the use to which the premises is devoted, and such other information as the City Council may require. (Ref. 17-149, 19-2701 RS Neb.)

§3-217 CITY SEWER DEPARTMENT; LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in ar-

rears, shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The City 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 60 days or more delinquent in the payment of sewer rent. It shall be the duty of the Utilities Superintendent on the first day of June of each year to report to the City Council a list of all unpaid accounts due for sewer service, together with a description of the premises served. The report shall be examined, and if approved by the City Council, shall be certified by the City Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Ref. 17-925.01 RS Neb.)

Article 3. Utilities Generally

§3-301 UTILITIES GENERALLY; UTILITY BILLS.

Water and sewer bills shall be due and payable quarterly at the office of the City Clerk. Bills shall be due on the first day of the month in which billed and shall be payable by the 20th of the same month. Bills not paid by the 20th of the month shall be deemed to be delinquent. Upon being deemed to be delinquent, the City shall add a late payment charge and in addition thereto may discontinue service pursuant to the provisions of Section 3-302 of this code. Once discontinued, service shall not be recommenced except on payment in full of the delinquent charges and further, upon payment of a reconnection fee. The amounts of the said late payment charge and reconnection fee shall be set by the City Council and kept on file in the office of the City Clerk. The City may also take any action authorized by law to effect collection of the delinquent charges. (Amended by Ord. 507, 5/12/97; 665, 6/11/12)

§3-302 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE; PROCEDURE.

A. The City shall have the right to discontinue services and remove its properties if the charges for such services are not paid within 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 days, weekends and holidays excluded. As to any subscriber who has previously been identified to the City as a client of the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to Social Services.

B. 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 City 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 City 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 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 City within five days of receiving notice under this section and will prevent the disconnection of the City's services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment 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 City for an installment payment plan;

10. A statement to the effect that domestic subscribers who are clients of Social Services 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 City Council.

C. A domestic subscriber may dispute the proposed discontinuance of service by notifying the City 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 City may discontinue services.

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

E. This section shall not apply to any disconnections or interruptions of service made necessary by the City for reasons of repair or maintenance or to protect the health or safety of the domestic subscribers or of the general public.
(Ref. 70-1601 et seq. RS Neb.)

§3-303 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY.

A. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a City Utility. A City may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

B. In any civil action brought pursuant to this section, the City shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as

damages:

1. The amount of actual damage or loss if the amount is susceptible of reasonable calculation; or

2. Liquidated damages of $750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

C. In addition to damage or loss under subdivision (B) (1) or (2) of this section, the City may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. Rev. Stat. Section 25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.
(Ref. 86-331.01 through 86-331.04 RS Neb.)

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY OF OAKLAND, NEBRASKA, TO REGULATE PARKING; TO ESTABLISH PENALTIES FOR VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OAKLAND, BURT COUNTY, NEBRASKA:

Section 1. Section 5-318 of the Oakland Municipal Code is hereby created as follows:

SECTION 5-318: PARKING; PRIVATE PROPERTY

A. No person shall park or permit to be parked a registered, unregistered, operable, or inoperable motor vehicle, water craft, non-motorized camper, motorcycle, heavy duty motorized equipment, or any trailer designed to either be pulled by a motor vehicle or to carry a water craft, camper or motor vehicle at any time on any portion of his or her yard, except on an area that is an "improved" parking area, is paved, or is a driveway. This prohibition shall be in effect unless the current state is deemed an emergency such that any vehicle listed above is required to be placed on said yard, or unless the property is in a commercially zoned area and is used for purposes of a commercial business.

B. For purposes of this section, "improved" shall mean surfaced with asphalt, concrete, brick or other suitable pavers. Gravel or crushed stone may be used if gravel is at least two inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape timbers, metal edging, vegetation such as low shrubs or decorative grasses or similar technique to distinguish the vehicular use area.

C. Any person violating this section shall be deemed guilty of an offense and upon conviction shall be fined $25.00 for a first offense, $50.00 for a second offense, and $100.00 for any third and subsequent offense. Nothing in this section shall prevent the City from pursuing other proceedings against the person violating this section, in addition to the penalties provided herein, to include removal of the vehicle from the property.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions are repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this _____ day of August, 2016.

_____

Mayor

(SEAL)

_____

Clerk

Article 4. Police Department

§3-401 POLICE DEPARTMENT; DUTIES.

The Police Department shall consist of the Chief of Police and such further number of regular police officers as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction 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/she shall devote his/her whole time to city affairs, interests of the City, 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 City. The Department shall execute or cause to be executed all 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 police officers shall become thoroughly conversant with the laws of the City and shall see that the same are strictly enforced, making sworn complaints against any person or persons for violation of the same.

§3-402 POLICE DEPARTMENT; RESERVE OFFICER BOND.

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of $2,000.00, payable to the City, has been filed with the City Clerk by the individual appointed, or a blanket surety bond arranged and paid for by the City Council and bonding all such officers has been filed. Such bonds shall be subject to the provisions of Neb. Rev. Stat. Chapter 11, Article 1. (Ref. 81-1444 RS Neb.)

§3-403 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION.

A. 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.

B. 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 City Clerk a written demand for a hearing before the City Council. The Council shall set the matter for hearing not less than ten or more than 20 days after the filing of the written demand for a hearing. The Council shall give the police officer written notice of the hearing not less than seven or more than 14 days prior to the hearing.

C. At the hearing, the police officer shall have the right:

1. To respond in person to the charges and to present witnesses and documentary

evidence;

2. To confront and cross-examine available adverse witnesses; and

3. To be represented by counsel.

D. Not later than 30 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 30 days or the failure of a majority of the elected Council members 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.

E. 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. 495, 3/11/96)

§3-404 POLICE DEPARTMENT; ARREST AND ENFORCEMENT JURISDICTION.

A. Every city law enforcement officer has the power and authority to enforce the laws of the State and the City or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. "Primary jurisdiction" means the geographic area within territorial limits of the City.

B. Any city law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

1. Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return him/her to the officer's primary jurisdiction;

2. Any city law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return him/her to the officer's primary jurisdiction;

3. Any city law enforcement officer has such enforcement and arrest and detention

authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance. "A law enforcement officer in need of assistance" shall mean:

a. A law enforcement officer whose life is in danger; or

b. A law enforcement officer who needs assistance in making an arrest and the suspect (i) will not be apprehended unless immediately arrested; (ii) may cause injury to himself or herself or others or damage to property unless immediately arrested; or (iii) may destroy or conceal evidence of the commission of a crime; and

4. If the City, under the provisions of the Interlocal Cooperation Act or the Joint Public Agency Act, enters into a contract with any other city or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Section 13-1802 RS Neb.

C. When probable cause exists to believe that a person is operating or in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Sections 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb., a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

1. Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;

2. Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or

3. With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Section 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02 RS Neb. (Ref 29-215 RS Neb.)

D. If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the City in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or oth-

erwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The City shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division.
(Ref. 81-829.65 RS Neb.) (Ord. No. 595, 3/8/04)

Article 5. Swimming Pool

§3-501 CITY SWIMMING POOL; OPERATION AND FUNDING.

A. The City owns and manages the City Swimming Pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the pool 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 City that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the pool. The Swimming Pool Fund shall at all times be in the custody of the City Treasurer.

B. The Park Superintendent shall manage the Swimming Pool and shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as may be deemed necessary. He/she shall pass such rules and regulations for the operation of the pool as may be proper for its efficient operation. All actions by the Park Superintendent shall be under the supervision and control of the City Council. (Ref. 17-948, 17-951, 17-952 RS Neb.)

§3-502 CITY SWIMMING POOL; RULES AND REGULATIONS.

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the pool and for the efficient management thereof. The Council may provide suitable penalties for the violation of such bylaws, rules, and regulations. (Ref. 17-949 RS Neb.)

§3-503 CITY SWIMMING POOL; ADMISSION CHARGE.

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use of the pool by any person. The said charges shall be on file at the office of the City Clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Ref. 17-949 RS Neb.)

§3-504 CITY SWIMMING POOL; RENTALS.

The City Council shall have the authority to rent the City Swimming Pool to such organizations and other persons as they may in their discretion see fit. The City Council shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the City Clerk and posted in a conspicuous place at the pool. (Ref. 17-949 RS Neb.)

Article 6. Library

§3-601 CITY LIBRARY; OPERATION AND FUNDING.

The City owns and manages the City Library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library 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 City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Library. The Library Fund shall at all times be in the custody of the City Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the City Council. (Ref. 51-201, 51-202, 51-211 RS Neb.)

§3-602 CITY LIBRARY; BOOKS.

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of. (Ref. 51-207 RS Neb.)

§3-603 CITY LIBRARY; RULES AND REGULATIONS.

The Library Board shall establish rules and regulations for the governing of the City Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Ref. 51-205, 51-214 RS Neb.)

§3-604 CITY LIBRARY; BOOKS ISSUED.

The Librarian shall keep or cause to be kept a register of all books issued and returned at the time they shall so be issued and returned. None of the books shall be retained more than 14 days without being renewed. No book may be renewed more than two consecutive times by any person without the special permission of the Librarian or an authorized employee of the City Library. (Ref. 51-211 RS Neb.)

§3-605 CITY LIBRARY; DAMAGED AND LOST BOOKS.

Any person who injures or fails to return any book taken from the Library shall forfeit and pay to the Library not less than the value of the book in addition to any replacement costs and penalty which the Library Board may assess. (Ref. 51-211 RS Neb.)

§3-606 CITY LIBRARY; BOOK LABELING.

It shall be the duty of the Librarian to label or cause to be labeled with a printed or stamped label proof of city ownership on each book, and also to write the said proof on the 30th page of each volume. (Ref. 51-211 RS Neb.)

§3-607 CITY LIBRARY; BOOK REMOVAL.

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the Library without the consent of the Librarian or an authorized employee of the Library. Any person removing a book from the Library without properly checking it out shall be deemed to be guilty of an offense. (Ref. 51-211 RS Neb.)

§3-608 CITY LIBRARY; COST OF USE.

The City Library shall be free for the use of the inhabitants of the City. The Librarian may exclude from the use of the Library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Ref. 51-201, 51-212 RS Neb.)

§3-609 CITY LIBRARY; MONEY COLLECTED.

Any money collected by the Library shall be turned over monthly by the Librarian to the City Treasurer, along with a report of the sources of the revenue. (Ref. 51-209 RS Neb.)

Article 7. Auditorium

§3-701 CITY AUDITORIUM; OWNERSHIP.

The City owns and manages the City Auditorium through the City Clerk. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements on the City Auditorium 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 City that is subject to taxation. The revenue from the said tax shall be known as the Auditorium Fund and shall include all gifts, grants, deed of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Auditorium. The Auditorium Fund shall at all times be in the custody of the City Treasurer. (Ref. 17-953 through 17-955 RS Neb.)

§3-702 CITY AUDITORIUM; RENTALS.

A. The facilities of the City Auditorium shall be available for use by the general public including private individuals, partnerships, corporations, clubs, and other organizations upon a rental basis. Terms of rental and rental charges shall be fixed by the City Council. The City Clerk shall keep a record book of rental dates on a first come, first served basis.

B. The City Clerk shall deliver to each person, partnership, corporation or other organization renting the City Auditorium a list of rules and regulations governing the rental and use thereof as prescribed by the City Council. The City Clerk shall request that a copy of said regulations be signed by the renter, who shall acknowledge receipt of the same and agree to abide thereby. Said rules and regulations shall include the hours of use.

C. The consumption of alcoholic liquors and beverages in the City Auditorium is hereby authorized at functions, parties, receptions, and all other activities which take place in the Auditorium which are not open to the general public except as permitted by a license issued by the Nebraska Liquor Control Commission under the provisions of Neb. Rev. Stat. Chapter 53, provided, however, that any person, partnership or corporation, association, club or other organization which desires to rent and use the Auditorium for a function or activity not open to the general public at which alcoholic liquors or beverages will be consumed shall apply to the City Clerk for such rental and use, informing him/her that alcoholic liquor or beverages will be consumed.

D. Such application shall be referred by the City Clerk to either the Mayor or city employee designated by the Mayor for that purpose. The Mayor or said designated city employee shall investigate the circumstances of said intended rental and use of the City Auditorium and, based upon such investigation and inquiry, may either permit or deny such rental and use. The Mayor or said designated city employee shall require that the renter pay a damage deposit to the City Clerk for the protection of the City Auditorium and its contents or for the peace and orderly use of the facility. Such deposit shall be returned to the renter if no damage is caused to the Auditorium or its contents during use by said renter or may be applied by the City Clerk to cover any damage. Liability for damage shall not be limited to the damage deposit.

E. The Mayor or the said designated city employee granting authority for use of the City Auditorium, deeming it advisable for the peace and safety of all persons involved, may also require that the renter of the Auditorium, under these circumstances, pay the cost for a law enforcement officer to be present during the function to keep the peace and control boisterous, destructive or harmful activities of those in attendance.

§3-703 CITY AUDITORIUM; RULES AND REGULATIONS.

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of the City Auditorium and the safety of those using the auditorium facilities. They may provide suitable penalties for the violation of such bylaws, rules, and regulations. All damage suffered by the Auditorium during any rental shall be assessed against the person or organization responsible for the rental thereof or shall be deducted from the damage deposit which the City Council may in its discretion have required prior to the said rental. During any rental, the City Council may require the presence of persons deputized as City Police to insure that the said rules and regulations and the City Code are not violated. All rental fees, rules, and regulations shall be on file for public inspection at the office of the City Clerk at any reasonable time. (Ref. 17-953 RS Neb.)

Article 8. Penal Provision

§3-801 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 an offense and upon conviction thereof shall be fined not more than $100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.