

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 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 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

