

Chapter 3

DEPARTMENTS

Article 2. Sewer Department

§3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the Municipal Sewer System may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the cost of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

The revenue from the said user charge system based on actual use 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 carryout the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (*Ref. 17-925.01, 18-501, 18-503 RS Neb.*)

§3-202 MUNICIPAL SEWER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

BIOCHEMICAL OXYGEN DEMAND. The term “Biochemical Oxygen Demand (BOD)” shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight, degrees C., expressed in milligrams per liter.

BUILDING OR HOUSE DRAIN. The terms “Building Drain” or “House Drain” shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

BUILDING SEWER. The term “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

CHLORINE REQUIREMENT. The term “Chlorine Requirement” shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with the procedures set forth in “Standard Methods”.

COMBINED SEWER. The term “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

COMPANY. The term “Company” shall mean a business, manufacturing plant, trade, industrial concern or similar entity which discharges its industrial waste into the waste water facility or sewage treatment plant of the Municipality.

EASEMENT. The term “Easement” shall mean an acquired legal right for the specific use of land owned by others.

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

GARBAGE. The term "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The term "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

LOCAL VENTILATING PIPE. The term "Local Ventilating Pipe" shall mean and include any pipe through which foul air is removed from a room or fixture.

MAY. The term "May" is permissive; the term "Shall" is mandatory.

MUNICIPALITY. The term "Municipality" shall mean the Village of Bertrand, Nebraska.

NATURAL OUTLET. The term "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NORMAL SEWAGE. The term "Normal Sewage" shall mean sewage not exceeding maximum tolerance of contamination of 300 milligrams per liter BOD or 350 milligrams per liter of Suspended Solids.

PARTS PER MILLION. The term "Parts Per Million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON. The term "Person" shall mean any individual, firm, company, association, society, corporation, or group.

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

PLUMBING FIXTURES. The term "Plumbing Fixtures" shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

PROPERLY SHREDED. The term "Properly Shredded" shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch (1/2") in diameter.

PROPERLY SHREDED GARBAGE. The term "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch (1/2") (1.27 centimeters) in any dimension.

PUBLIC SEWER. The term "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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

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

SERVICE CHARGE. The term "Service Charge" shall mean the basic assessment levied on all users of the public sewer system whose waste does not exceed in strength the concentration values established as representative of normal sewage.

SEWAGE. The term "Sewage" shall mean and include a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The term "Sewage Works" shall mean all facilities for collection, pumping, treating and disposing of sewage.

SEWER. The term "Sewer" shall mean a pipe or conduit for carrying sewage.

SEWER SYSTEM. The term "Sewer System" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

SEWERAGE. The term "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. The term "Slug" shall mean any discharge of water, sewage, or industrial waste in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SOIL PIPE. The term "Soil Pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

STANDARD METHODS. The term "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition "Standard Methods for the Examination of Water, Sewage, and Industrial Waste" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STROM DRAIN. The term "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The term "Superintendent" shall mean the Utilities Superintendent of the Village of Bertrand, or his authorized deputy, agent, or representative.

SURCHARGE. The term "Surcharge" shall mean the assessment in addition to the service charge which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal usage.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean and include solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and are removable by filtering.

TRAP. The term "Trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TRAP SEAL. The term "Trap Seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

UNPOLLUTED WATERS. The term "Unpolluted Waters" is the water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

VENT PIPE. The term "Vent Pipe" shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

WASTE PIPE. The term "Waste Pipe" shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe, or waste stack.

WASTEWATER. The term "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

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

WASTEWATER TREATMENT WORKS. The term "Wastewater Treatment Works" shall mean an arrangement of devices and structure for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "Waste Treatment Plant" or "Water Pollution Control Plant".

WATERCOURSE. The term "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

§3-203 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR PERMIT. Any person wishing to connect with the Sewer System shall make an application therefor to the Municipal Clerk. The Clerk may require any applicant to make a service deposit in such amount as set by the Governing Body. Sewer service may not be supplied to any house of building except upon the written order of the Municipal Clerk. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; provided, that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents. *(Ref. 18-503 RS Neb.)*

§3-204 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT. The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and 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 Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. Nor= further connection for sewer service to said buildings or premise shall again be made save or except by order of the Utilities Superintendent or his agent. *(Ref. 17-902, 18-503 RS Neb.)*

§3-205 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. Customers of the Municipal Sewer Department shall be charged a usage fee for the use of sewer service. The sewer usage fees and rates shall be set by resolution of the Governing Body. The rates shall be on file at the office of the Municipal Clerk available for public inspection at any reasonable time. The sewer use fee shall be a separate charge made on the water bill. The Governing Body reserves the right charge a higher sewer use fee for large users of the Municipal Sewer System. *(Ref. 18-509 RS Neb.)(Ord. No. 562, 3/8/06)*

§3-206 MUNICIPAL SEWER DEPARTMENT; COLLECTION OF SEWER USE FEES. Sewer use fees shall be collected monthly and shall be payable at such place as the Governing Body may direct. The Governing Body shall direct the Municipal Clerk to charge each customer the proper sewer use fee together with any other charges, properly itemized, due the Sewer Department. The customer shall be responsible for presenting him/herself at the office of the Municipal Clerk to pay the sewer use fee. Sewer bills shall be paid by the first (1st) day of each month. If the bill is not paid by the fifteenth (15th) day of the month, it shall be deemed delinquent. Upon being deemed delinquent, a penalty charge in the amount as decided by the Governing Body and on file at the Municipal Clerk's office shall be added to the account. If the bill has not been paid by the fifteenth (15th) day of the month, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. *(Ref. 17-925.01, 18-416 RS Neb.)*

§3-207 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-208 PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES. 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 Municipality of within one (1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste.

§3-209 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE. It shall be unlawful to discharge to any natural outlet within the Municipality, or within one (1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§3-210 PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

§3-211 PUBLIC SEWERS REQUIRED; MANDATORY HOOK-UP. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the Municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so; provided, that said public sewer is within three hundred feet(300') of the property line.

§3-212 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE. Where a public sanitary or combined sewer is not available under the provisions of Section 3-211, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 3-211, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

§3-213 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of one dollar (\$1.00) shall be paid to the Municipality at the time the application is filed.

§3-214 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

§3-215 PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§3-216 PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Municipality.

§3-217 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS. No statement contained in Sections 3-212 through 3-216 shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§3-218 BUILDING SEWER INSTALLATION; PERMIT REQUIRED. No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§3-219 BUILDING SEWER INSTALLATION; EXPENSE. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of building sewer. *(Ord. No. 121, 6/3/58)*

§3-220 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE. The customer, upon approval of his application for sewer service, shall pay to the Municipal Clerk a tap fee of forty-five dollars (\$45.00). The Municipal Clerk, in his 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 as well as the services of a licensed plumber to and shall pay all other costs of installation.

§3-221 MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT. The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

§3-222 BUILDING SEWER INSTALLATION; SINGLE PREMISE. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the Municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

§3-223 BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.

§3-224 BUILDING SEWER INSTALLATION; CONSTRUCTION CODES. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§3-225 BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface

runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage; provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

§3-226 BUILDING SEWER INSTALLATION; INSPECTIONS. The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

§3-227 BUILDING SEWER INSTALLATIONS; EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

§3-228 MUNICIPAL 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 twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property.

All installations or repairs of pipes require an inspection by the Utilities Superintendent. It is the customer's responsibility to notify the Utilities Superintendent at the time the work is ready for the inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

§3-229 PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, heat pump discharge, uncontaminated cooling water, unpolluted industrial water, or any other sources of clear water, to any sanitary sewer. Provided, however, that discharge from heat pumps installed prior to the adoption of this ordinance shall be exempt from the prohibitions of this ordinance. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, combined sewer, or natural outlet. Any person who violates this ordinance or causes this ordinance to be violated shall be subject to the following: (1) costs incurred by the Municipality as determined by the Superintendent with the approval of the Governing Body, (2) an injunction, (3) remedial or corrective action as determined by the Superintendent, and/or (4) a fine. (*Amended by Ord. No. 3-229, 11/14/17*)

§3-230 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having:
 - a. A five (5) day BOD greater than 300 parts per million by weight, or
 - b. Containing more than 350 parts per million by weight of suspended solids, or
 - c. Having an average daily flow greater than two percent (2%) of the average sewage flow of the Municipality, or
 - d. A chlorine requirement greater than demanded by normal sewage as evaluated by the Municipality's consulting engineer shall be subject to the review of the Superintendent

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

- a. Reduce the biochemical oxygen demand to 300 parts per million by weight, or
- b. Reduce the suspended solids to 350 parts per million by weight, or
- c. Control the quantities and rates of discharge of such waters or wastes, or
- d. Reduce the chlorine requirement to conform with normal sewage.

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

§3-231 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (65° C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) F (0° and 65° C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste – or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of [9.5].
9. Materials which exert or cause:
 - a. Unusual concentration of inert suspended solids (such as, but not limited to, Fuller’s earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§3-232 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2-231, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-238.

§3-233 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintain of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms.

§3-234 PRELIMINARY TREATMENT OR FLOW-EQUALIZING FACILITIES; MAINTENANCE BY OWNER. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§3-235 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE. When required by the Superintendent, the owner of any property service by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be sage and accessible at all times.

§3-236 CONTROL MANHOLES/SAMPLING STATIONS; METHOD. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

§3-237 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, of equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-238 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment therefor, by the industrial concern.

§3-239 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY. The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, reefing, ceramic, paper, or other industries beyond the point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§3-240 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY. While performing the necessary work on private properties referred to in Section 3-29 above, the Superintendent or duly authorized employees of the Municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Municipal employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 3-235.

§3-241 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS. The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the Municipality holds a duly negotiated easement for the purposes, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms duly negotiated easement pertaining to the private property involved.

§3-242 VIOLATION; NOTICE AND LIABILITY. Any person found to be violating any provision of the Article except Section 3-237 shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation.

§3-243 MUNICIPAL SEWER DEPARTMENT; MUNICIPAL POWERS. The Municipality has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside of the Municipal limits.

§3-244 SEVERABILITY CLAUSE. The invalidity of any Section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid part or parts.

§3-245 PENAL PROVISION; VIOLATION. Any person who shall continue any violation beyond the time limit provided in Section 3-242, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.

§3-246 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL USE. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, surface drainage, including interior and exterior foundation drains, or residential and industrial uncontaminated cooling waters or unpolluted industrial process waters into the sanitary sewer. Except hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the Municipal Sewer System:

1. Liquids or vapors have a temperature higher than one hundred fifty degrees (150°) F.
2. Water or waste which contain more than one hundred (100) parts per million by weight of fat, oil, or grease.
3. Gasoline, benzene, naptha, fuel oil, other flammable or explosive liquid, solid, or gas.
4. Garbage that has not been properly shredded.
5. Sand, mud, metal, rags, paper, or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewerage treatment process constitute a hazard to humans, animals, or fish, or create any hazard in the receiving area of the sewage treatment plan.
7. Suspended solids of such character and quantity that unusual attention or expenses is required to handle such materials.
8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

The contributor of any identifiable discharge of polluted water into the sanitary sewer system shall be held responsible for reimbursing the Municipality for such costs. The costs shall be determined by the Utilities Superintendent with the approval of the Governing Body. (*Ref. 17-145 RS Neb.*)

This ordinance shall not affect nor prescribe any heat or coolant pumps which discharge residential and industrial uncontaminated cooling waters or unpolluted industrial process waters into the sewer system, if such pump is in place prior to the enactment of this ordinance. (*Ord. No. 262, 3/13/90*)