

ORDINANCE NO. 1481

LEXINGTON, NEBRASKA.

An Ordinance of the City of Lexington, Nebraska adopting a uniform plumbing code, regulating the use of public and private sewers and drains. Private sewage disposal, the installation and connection of building sewers, tap permits, tap fees, inspection fees and the discharging of waters and wastes into the public sewer system and providing penalties for violation thereof repealing chapter 23 Article 1 of the Lexington Municipal Code and providing for publication in pamphlet form and effective date of the Ordinance.

← Be it ordained by the Mayor and Council of the City of Lexington:

Chapter 23 Article 1 of the Lexington Municipal Code is hereby repealed as follows:

ARTICLE I

Sewers and Sewage Disposal

23-1 Municipal Sewer Department: Definitions For the Purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- (2) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (3) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (4) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- (5) "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.
- (6) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

- (7) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (8) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (10) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (11) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (12) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- (13) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- (14) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (15) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (16) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (17) "Shall" is mandatory; "May" is permissive.
- (18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (19) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (20) "City Engineer" shall mean the City Engineer of Lexington, Nebraska or his authorized deputy, agent, or representative.

- (21) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (22) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

23-2 Uniform Plumbing Code

2.1 Adopted

The 1976 Edition of the uniform plumbing code as adopted by the international association of plumbing and mechanical officials, is hereby adopted as the minimum standard for the installation of all plumbing installations within the City of Lexington and zoning area under the City of Lexington's jurisdiction, except as otherwise specifically provided in this chapter, and the same is hereby made a part of this chapter as fully and to the same extent as if copied herein in full. At least three (3) copies of such code are on file in the office of the City Clerk.

2.2 Subsequent Editions

Subsequent Editions or Revisions of the uniform plumbing code adopted by the provisions of this ordinance shall be considered adopted and in full force and effect within the City and jurisdictional area of the City upon the approval thereof of the Council and the filing of three (3) copies thereof in the office of the City Clerk.

2.3 Extraterritorial Application

The provisions of the code adopted by the provisions of this article shall apply and be enforced to the unincorporated area two (2) miles beyond and adjacent to the corporate boundaries of this City with the same force and effect as if such outlying area were within the corporate boundaries of this City.

23-3 Mandatory Hook-up and Unlawful Discharge

3.11 It shall be unlawful for any person to:

- (a) Place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Lexington or in any area under the jurisdiction of the City of Lexington, any human or animal excrement, garbage, or other objectionable waste;
- (b) discharge to any natural outlet within the City of Lexington, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article;

(c) except as hereinafter provided, construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

3.2 The owners of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City of Lexington 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 sewer of the City of Lexington, 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 a public sewer is within one hundred (100) feet (30.5 meters) of the property line. Every building hereafter erected shall be connected with the sewer system at the time of its construction. In the event that any property owner shall neglect, fail, or refuse to make said connection within said time, 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.

23-4 Private Sewage Disposal System

Where a public sanitary sewer is not available under the provisions of 23-3.2, the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 23-4.1 through 23-4.7.

4.1 Permits

Before commencement of construction of a private sewage system the owner shall first obtain a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City of Lexington, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the City Engineer. A permit and inspection fee of ten (10) dollars shall be paid to the City of Lexington at the time the application is filed.

4.2 Inspections

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. 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 City Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twelve (12) hours of the receipt of notice by the City Engineer (excluding Holidays and weekends).

4.3 Specifications; Requirements:

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Health of the State of Nebraska. No permit shall be issued for any private sewage disposal system when there is insufficient lot area or improper soil conditions for adequate sewage disposal for the building or land use proposed. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

4.4 Availability of Public Sewers; Abandonment of Private Facility

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 23-3.2, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal systems shall be abandoned and filled with suitable material.

4.5 Operation and Maintenance

The owner shall operate and maintain the private sewage disposal system in a sanitary manner at all times, at no expense to the City of Lexington.

4.6 Additional Requirements; Health Officer

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

4.7 Connection to Public Sewer; Time

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled.

23-5 Unauthorized Persons; Permits; Public Sewers

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

5.1 Building Sewer Permits; Classes; Fees

There shall be three (3) classes of building sewer permits:

- (a) Residential;
- (b) Commercial;
- (c) Industrial

For any class of permit the owner or his agent shall make application on a special form furnished by the City of Lexington. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the City Engineer. A permit and inspection fee of five (5) dollars for a residential permit; five (5) dollars for a commercial permit; and ten (10) dollars for an industrial permit shall be paid to the City of Lexington at the time the application is filed.

5.2 Costs and Expense; Indemnity

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

5.3 Separate Building Sewers; Exeptions

A separate and independent building sewer shall be provided for every building; except where one 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, driveway or easement, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5.4 Old Building Sewers; Use; Examinations

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer to meet all requirements of this ordinance.

5.5 Building sewers; Construction; Materials and Procedures

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 uniform plumbing code or other applicable rules and regulations of the City of Lexington, in the absence of code provisions or in application thereof, the materials and procedures set forth in appropriate specifications of the W.P.C.H. Manual of Practice No. 19 shall apply.

5.6 Building Sewers; Elevation

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.

5.7 Surface Runoff or Groundwater Connections Prohibited

No person shall make connections of roof down spouts, exterior foundation drains, area way 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.

5.8 Building Sewer Connection; Inspection

The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The building sewer shall be inspected and approved before connection to the public sewer system is completed.

5.9 Excavation; Barricades; Restorations

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed by the construction shall be restored in a manner satisfactory to the City Engineer.

23-6 Sanitary Sewers; Discharge

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

6.1 Storm Sewers; Discharge

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer.

6.2 Public sewers; Discharge of certain waters or wastes prohibited

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

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

23-6.2 (cont'd)

- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

6.3 Discharges; Prohibited Substance

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 City Engineer 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 City Engineer will consider all factors that contribute to the quality of waste.

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150)^oF (65^oC).
- (b) 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 (32) and one hundred fifty (150)^oF (0 and 65^oC)
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Engineer.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters 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 City Engineer for such materials.
- (f) Any waters or wastes containing phenols or other taste-or-odor-producing substances, in such concentrations exceeding limits which may be established by the City Engineer as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or

23-6.3 (cont'd)

other public agencies of jurisdiction for such discharge to the receiving waters.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a five day BOD greater than 350 parts per million by weight, or (2) containing more than 400 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 10 percent of the average total sewage flow of the City, shall be subject to the review of the City Engineer and are subject to Section 23-6.4 of this ordinance.

6.4 Wrongful Discharge; Sanctions

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 Chapter 23-6.3, and which in the judgement of the City Engineer, may have 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 City Engineer may:

23-6.4 (cont'd)

- (a) Reject the waste;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewer;
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment or surcharge to cover the added cost of handling and treating the wastes in excess of BOD, suspended solids, and flow as enumerated in Section 23-6.3(k).

If the City Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances and laws.

6.5 Interceptors; When required; Exception

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily accessible for cleaning and inspections.

6.6 Preliminary treatment facilities

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.

6.7 Industrial Wastes; Manholes; When required

When required by the City Engineer the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastes, the manhole specifications shall be approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

6.8 Measurements, Tests and Analysis; Standards and Procedures

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling

23-6.8 (cont'd)

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 analysis 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 analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

6.9 Industrial Concerns; Special Agreements

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City of Lexington and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Lexington for treatment, subject to payment therefor, by the industrial concern.

23-7 Tampering with Sewage Works; Violations

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

23-8 Inspections; Inquiries into Industrial Processes; Limitations

The City Engineer and other duly authorized employees of the City of Lexington bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The City Engineer or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

8.1 City Engineer and City Employees; Entry into Private Property; Easements

The City Engineer and other duly authorized employees of the City of Lexington bearing proper credentials and identification shall be permitted to enter all private properties through which the City of Lexington holds a duly negotiated easement for the purposes of, 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 of the duly negotiated easement pertaining to the private property involved.

23-9 Violations; Notice; Corrections

Any person found to be violating any provision of this Article except Chapter 23-7 shall be served by the City of Lexington 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.

9.1 Failure to Correct Violations; Misdemeanors; Separate Offenses

Any person who shall continue any violation beyond the time limit provided for in Section 23-9 shall be guilty of a misdemeanor, and on conviction thereof shall be fined, in the amount not exceeding \$100 for each violation or shall be imprisoned in jail for a period not to exceed thirty (30) days, or both fine and imprisonment.

9.2 Violations; Liability to City

Any person violating any of the provisions of this article shall become liable to the City of Lexington for any expense, loss or damage occasioned the City of Lexington by reason of such violation.

23-10 Sewer Tap Fees

10.1 For tapping on existing public sewer

Sewer tap fees for tapping a public sewer which was constructed prior to January 1, 1977 and for which no previous tap charges or previous special assessments were paid for the construction of a public sewer will be as follows:

- (a) One hundred dollars (\$100) for a four inch sewer tap.
- (b) One hundred fifty dollars (\$150) for a six inch sewer tap
- (c) Two hundred dollars (\$200) for an eight inch sewer tap.

These tap fees shall be paid before a tap permit is approved. Each tap shall serve only one residence or one business building.

Land having paid such tap fees shall not be required to join a sewer improvement district, provided that future development of such land does not require additional sewer line construction.

10.2 For tapping a new public sewer

Sewer tap fees for tapping a public sewer which is constructed after January 1, 1977 and for which no previous tap charges or no previous special assessments were paid for the construction of a public sewer main will be as follows:

An equivalent front foot charge for the number of front feet of the entire property sought to be connected shall be paid to the Sewer Department before a tap permit is approved. The Equivalent front foot charge for any calendar year shall be the average amount assessed per front foot for all sanitary sewer districts in the previous two (2) years.

Land having paid such tap fees shall not be required to join a sewer improvement district, provided that future development of such land does not require additional sewer line construction.

23-11 Municipal Sewer Department; Repairs and Maintenance

The Municipal sewer department shall be responsible for maintenance of all public sewer mains. It shall be the responsibility of the customer to repair or replace and keep in good condition the private sewer lines from the main to and including the customers property. All replacements and repairs made by the customer shall be done in a manner approved by the City Engineer.

23-12 Municipal Sewer Department; Classification

The City Council may classify for the purpose of sewer use charges the customers of the municipal sewer department; provided, that such classifications are reasonable and do not discriminate against any consumer or group of consumers (Ref. 17-925.02 R S Nebr.).

23-13 Municipal Sewer Department; Sewer Use Charge

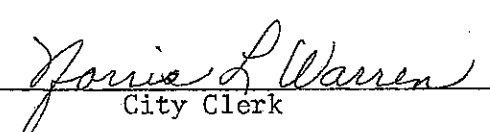
The sewer use charge rate shall be set by resolution by the City Council for all user classifications and shall be on file in the City Offices for public inspection at any reasonable time.

This Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 12th day of April, 1977.

Mayor 

ATTEST:


City Clerk

(S E A L)