

**ORDINANCE NO. 2463**

**AN ORDINANCE TO AMEND SECTIONS 28-417, 28-418, 28-439, AND 28-440 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 28-417, 28-418, 28-439, AND 28-440, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:**

**Section 1.** That Section 28-417 of the Lexington City Code shall be amended as follows:

Sec. 28-417. – Control manhole or sampling station.

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

*Statutory reference: Authority, see Neb. RS 16-681*

**Section 2.** That Section 28-418 of the Lexington City Code shall be amended as follows:

Sec. 28-418. – Measurements, tests and analyses.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter, 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 the 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 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, cBOD, Total Suspended Solids and Ammonia analyses are obtained from 24-hour composites of all outfalls whereas pH and FOG are determined from periodic grab samples.)

*Statutory reference: Authority, see Neb. RS 16-681*

**Section 3.** That Section 28-439 of the Lexington City Code shall be amended as follows:

Section 28-439. – Determination of use charges.

- A. Residential users served by the sewerage system shall pay the charges provided for by resolution of the City Council.
- B. Commercial users served by the sewage system shall pay the charges provided by resolution of the City Council. In the case of industries discharging only non-process related wastewater, the rate shall be the same as for commercial users. In the case of vehicle washing facilities, the rate shall be the same as for commercial users.
- C. Industrial users contributing process waste to the sewerage system shall be billed monthly and charged according to the average daily contribution of flow, Total Suspended Solids, Carbonaceous Biochemical Oxygen Demand, Ammonia, and fats, oils and grease. The formula for determining the total amount to be charged each industrial process waste contributor is as follows:

$$A = [V(\text{TSS}) \times 8.34 \times \text{TSS Rate}] + [V(\text{cBOD}) \times 8.34 \times \text{cBOD Rate}] + [V(\text{FOG}) \times 8.34 \times \text{FOG Rate}] + [V(\text{Ammonia}) \times 8.34 \times \text{Ammonia Rate}]$$

A=	Amount owed by industrial user for sewage treatment and collection
V=	Total volume of flow from industrial user (MGD)
TSS=	Total suspended solids from industrial user (mg/L)
TSS Rate=	Rate to treat pounds of total suspended solids
cBOD=	Total cBOD from industrial user (mg/L)
cBOD Rate=	Rate to treat pounds of total Carbonaceous Biochemical Oxygen Demand
FOG=	Total fats, oils, and grease from industrial user (mg/L)
FOG Rate=	Rate to treat pounds of total fats, oils, and grease
Ammonia =	Total Ammonia from industrial user (mg/L)
Ammonia Rate=	Rate to treat pounds of Ammonia

Obtaining and analyzing sewage samples for use in determining the industrial sewer use charge to be billed against a given industrial user shall be the responsibility of the city.

- D. All sewage that is transported by truck or any vehicle to the plant for disposal shall pay the charges provided for by the City Manager.

*Statutory reference: Authority, see Neb. RS 16-681*

**Section 4.** That Section 28-440 of the Lexington City Code shall be amended as follows:

Sec. 28-440. – Purpose and calculation of use surcharge.

A. If the concentration of the sewage from any user, except those subject to industrial charges, exceeds the level of 250 mg/L cBOD and 300 mg/L Total Suspended Solids, they shall be subject to a surcharge for that portion of the contribution which exceeds those limits. Any industrial user which discharges an amount of flow, cBOD, TSS, FOG, or Ammonia of their allocation industrial capacity as documented in a Pretreatment Permit issued by the Nebraska Department of Environment and Energy shall be subject to a surcharge for that portion of the contribution which exceeds their allocated industrial capacity. The formula for determining the surcharge is as follows:

$$A = [\text{TSS} \times \text{TSS Rate}] + [\text{cBOD} \times \text{cBOD Rate}] + [\text{FOG} \times \text{FOG Rate}] + [\text{Ammonia} \times \text{Ammonia Rate}]$$

A=	Surcharge
TSS=	Total suspended solids from industrial user over pretreatment permit limit (pounds)
TSS Rate=	Rate to treat pounds of total suspended solids
cBOD=	Total cBOD from industrial user over pretreatment permit limit (pounds)
cBOD Rate=	Rate to treat pounds of Carbonaceous Biochemical Oxygen Demand
FOG=	Total fats, oils, and grease from industrial user over pretreatment permit limit (pounds)
FOG Rate=	Rate to treat pounds of total fats, oils, and grease
Ammonia=	Total Ammonia from industrial user over pretreatment permit limit (pounds)
Ammonia Rate=	Rate to treat pounds of total Ammonia

B. If the experienced additional cost associated with high strength wastes are not recovered by the industrial rate charges or above surcharges, the city shall have the option to review the effect any user (all classifications) has on the wastewater system and establish a higher rate, if necessary, for the excessive amount of TSS, cBOD, FOG, Ammonia or other applicable pollutants.

C. Any user who violates the limitations of this section or discharges a contaminate that proves detrimental to the proper operation of the sewage treatment facilities shall be liable for its proportionate share of any and all fines and penalties assessed against the city as a result of such violation.

*Statutory reference: Authority, see Neb. RS 16-681*

**Section 5.** That original Sections 28-417, 28-418, 28-439, and 28-440 of the Lexington City Code, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

**Section 6.** That this Ordinance shall be published in electronic form and take effect as provided by law.

Passed and approved this 9 day of April, 2024.



*John H. Feyer*  
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Mayor

Attest:

*Pamela Baruth*  
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City Clerk