

ORDINANCE NO. 592

AN ORDINANCE TO AMEND SECTIONS, 2, 3, 4, 5, 15, 30 and 34 OF ARTICLE II OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF LEXINGTON, NEBRASKA, AS PASSED AND ADOPTED ON APRIL 7, 1943, AND TO REPEAL SAID ORIGINAL SECTIONS.

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND THE COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. That Sections 2, 3, 4, 5, 15, 30 and 34 of Article II of Chapter 9 of the Municipal Code of the said City of Lexington are hereby amended to read as follows:

Section 2. APPLICATION FOR WATER. - Every person, firm or corporation desiring a supply of water must make application therefor to the Water Commissioner upon blanks to be furnished for that purpose; provided all such applications shall be by the owner of the property upon which water is to be used. The application must state fully and truly all of the uses to which the water is to be applied and no different or additional use will be allowed except by the permission of said Water Commissioner. No more than one house or building shall be supplied from one tap. Every applicant for water service, where meter shall be required as hereinafter provided, may be required to accompany his application with meter deposit fee of \$20.00 where ordinary meter not over three-fourth ( $3/4$ ) inch is required, and where larger meter is necessary a meter deposit fee equal to the additional cost of said meter to be installed by said City, may be required, said amount in each case to be fixed and determined by the Water Commissioner.

Section 3. WATER METERS, TYPE, REPAIR, ETC. - All water furnished to business or commercial property or establishments, or where a tap larger than three-fourth ( $3/4$ ) inch is used, shall be furnished at meter rates through a meter as hereinafter set forth. Water shall be furnished to all residences and property other than business or commercial establishments, and where three-fourth ( $3/4$ ) inch or smaller tap is used, at a flat rate as hereinafter set forth, or at meter rates, at the option of the property owner. Hereafter all water meters installed in connection with the water works system of said City shall be of uniform, standard quality, of type and kind recommended by the Water Commissioner and

approved by the City Council of said City, and which measures water consumed in terms of gallons. All meters so set and installed shall be kept in repair at the expense of the City. When meters are entirely worn out, they will be replaced by said City upon payment of a deposit fee as required in the first instance where water service is installed.

Section 4. MONEY DUE FOR WATER WHEN PAYABLE. - All moneys due to said City for water furnished under this Article shall become due and payable as follows:

All water users on a flat rate shall be billed monthly, and payment for water shall be made by such user within ten days after the end of each monthly period. All water users receiving water through a meter shall be billed and such water, <sup>rent</sup> shall be payable quarterly on the first day of the month succeeding the quarterly period in which such water is furnished and shall be delinquent ten (10) days after due. The first quarterly period in each year shall commence on the first day of May. The Water Commissioner may, in his discretion, collect in advance for water furnished to special users who are not property owners or regular consumers of such system.

Section 5. BILLS FOR WATER, RENDERED WHEN. - Bills for water furnished under this Article shall be rendered at the end of each month in all cases where the water user is on a flat rate, and where full annual flat rate has not been paid in advance; and where meter is used or required, bills for water furnished shall be rendered at the end of each quarter, and shall designate the number of gallons for the three month period preceeding the date of the bill, and the amount of the charge therefor, both for the quarterly minimum and for any excess water for the three month period, shall be computed in dollars and cents in accordance with the rate established herein.

Provided, that in the event of the payment by any consumer of the minimum meter rate annually in advance, as hereinafter provided, bills shall then be rendered to such consumer quarterly covering only the excess water for such period. In the event the bill is not paid until after the expiration of the ten (10) day period, then the Water Commissioner is empowered, instructed and commanded to collect the entire bill and any payment made which does not include the entire amount due shall not bind said city, but shall remain as an existing liability against the property on which furnished and the owner thereof, for which suit may be brought in the name of said city for the collection thereof. The Water Commissioner is hereby empowered and directed to shut off and disconnect the water service of any consumer after his bill shall have become delinquent, and such bill shall be paid by such consumer before resumption of service.

Section 15. TAP FEES. - The applicant for water service from the water works system of said city shall accompany his application with a tap fee of \$40.00 for a three-fourth ( $3/4$ ) inch tap, and with a tap fee of \$50.00 for a one (1) inch tap; provided, however where the property of such applicant abuts hard surface pavement and it is necessary to make installation or install the same under the pavement, the tap fee in that event shall be \$10.00 higher than the foregoing fees. Provided, further, that such tap fees shall be applicable only in such cases where it is necessary to install sixty feet or less of pipe from the water main to the property line and in such cases where more than sixty feet is required such extra charge shall be made as may be determined by the Water Commissioner. In all cases where application is made for a tap larger than one (1) inch, the tap fee shall in each case be such sum as the Water Commissioner may fix and determine and such sum shall be paid in advance.

The city, by its Water Commissioner, will tap or cause to be tapped, the commercial main to which the applicant's service pipe will be joined. For the tap fee aforesaid or which may be fixed and determined as herein provided, the city will furnish a stop or curb box, curb stop, corporation cock and will also provide and install pipe, trenching, labor and all necessary attachments to make installation from commercial main to a point at or near the property line of the applicant, where stop box is installed; provided, the above service shall be furnished for the tap fee aforesaid only in those cases where the applicant's property abuts a street where a commercial main is now laid or may hereafter be laid. Applicant at his own expense shall build water service from the curb box in and upon his own premises and shall keep the same in repair. Applicant for water service where property does not abut a commercial main, shall pay such tap fee as said City Council of said City shall in each case determine; provided, however, this provision shall not be construed as an obligation upon the city to make any such installation in property which does not abut or adjoin a commercial main of said city. The city will maintain all water mains from the commercial main to curb box. Applicants for water service whose property is situated outside the corporate limits shall pay tap and installation fees in such sums as said City Council of said City shall in each case fix; Provided, however, nothing herein shall be construed to obligate said city to furnish water service to non-residents unless it is able to do so without curtailing the demands of resident consumers or without overloading its pumps, machinery or other equipment. All meter pits, if meters are not set in basements or buildings, shall be constructed by applicant or consumer at his own expense at a point near the property line and shall be constructed of brick, cement,

or tile not less than 10 inches in diameter with suitable cover thereon, as may be approved by the Water Commissioner; Provided, that all meters shall be set in a horizontal position so that the same may be easily read by the Water Commissioner or his agents, whether set in meter pit, building, or basement. The Water Commissioner shall, whenever it is not convenient to make readings of any meter now set or hereafter to be set in meter pits, buildings, or basements, be empowered to give consumer twenty days notice, in writing, to reset said meter so that same may be conveniently read, and if the consumer refuses or neglects to do so then the Water Commissioner shall reset said meter and the cost thereof shall be charged to and paid by the consumer as water rent. All meter pits hereafter shall be constructed in such design and in manner as prescribed by the Water Commissioner.

Section 30. MINIMUM WATER ALLOWANCE, RATES, ETC.-

Each and every consumer of water, where water meter is used, or required to be used, shall be allowed a minimum amount of 20,000 gallons for each quarter annual period, and the minimum charge for such amount in each quarter annual period shall be the sum of \$3.75; and for all water used during said quarter annual period in excess of said minimum of 20,000 gallons, the following rate shall be charged to and paid by such consumer and property owner:

Next 40,000 gallons above minimum at the rate of 12¢ for every 1000 gallons.

Next 40,000 gallons at the rate of 11¢ for each 1000 gallons.

Next 100,000 gallons at the rate of 10¢ for each 1000 gallons.

All the balance at the rate of 9¢ for each 1000 gallons.

Each consumer for which flat rate service is provided shall pay a monthly water rental of \$2.00; provided, any residence property which is occupied by more than one family, shall in addition to said monthly water rental pay an additional sum of \$1.00 per month per apartment. Provided, further, that such flat rate shall not be available to any consumer using water for lawn, garden or other purposes, on property having more than 75 foot frontage or land equal in size 75 x 140 feet; any consumer desiring to use water on a flat rate for more than a 75 foot frontage shall pay an additional monthly rental of ~~50¢~~<sup>35¢</sup> for each additional 25 foot frontage, or fraction thereof. Provided further, any consumer using water only in the yard and having no water connection inside any house or building on said premises shall pay a monthly rental of \$2.00 for a frontage of 75 feet or less and the additional sum above provided for a frontage in excess of 75 feet; Provided further, that water users desiring the use of water only for the summer time shall be charged a minimum fee of \$12.00 per season. Provided further, that any consumer using water on a flat rate as herein provided, and who shall use a water cooler, or other cooling system in such residence property through which a continuous flow of water is used for cooling shall pay an additional water rate or rental, for such cooler or cooling system of \$3.00 per month, payable monthly at the end of each month, for the months in which such water is used for such purpose. Such rates and the time in which used shall in all cases be determined by the Water Commissioner. Provided, further, that either the minimum meter rate or the minimum flat rate may be paid annually in advance at a discount of five (5) per cent if paid on or before May 10th for the period from May 1st

of the same month to the following April 30. In the event of such annual payment in advance for minimum meter rates, such consumer shall pay quarterly for all excess water used in the preceding quarter. Provided further, that there shall be charged to and paid by the Park Board of said city for annual use of water in the parks, the sum of \$50.00 payable quarterly, and one quarter of such amount to be paid at the end of each quarter of the fiscal year; and for the annual use of water in the municipal swimming pool, the sum of \$50.00, payable quarterly and one quarter of such amount to be paid at the end of each quarter of the fiscal year. That there shall be paid annually from the general fund of said city, to the water fund, the sum of \$5.00 for each fire hydrant used and connected with said water system, which amount shall be payable quarterly at the end of each quarter annual period. That there shall be paid annually from the sewer maintenance fund of said city to the water fund the sum of \$150.00 for water used in flushing sewer mains, which amount shall be payable quarterly at the end of each quarter annual period. That there shall be charged to and paid by School District No. 1 of Lexington, Dawson County, Nebraska, for the annual use of water on the High School Athletic Field in said city, including the two additional taps now located on the High School grounds in Block "G", in MacColl & Leflang's Addition] to said city, the sum of \$100.00, payable quarterly at the end of each quarter annual period. The amounts herein provided to be paid by the Park Board, School District No. 1, and from the general and sewer maintenance funds, shall not be subject to discount. All water rent tax and charges shall draw interest at the rate of six per cent per annum from the date on which the same becomes due. The rates and charges as herein provided shall be effective from and after the passage, approval and publication of this Article and Code.

Section 34. WATER COMMISSIONER CREATION OF OFFICE,  
DUTIES.- There is hereby created in the City of Lexington,  
the office of Water Commissioner, and the City Manager of  
the City is hereby designated as the Water Commissioner  
of said City. All reference in this Article to the  
Board of Public Works shall be hereafter construed to  
mean the City Council of said City.

Section 2. That said Sections 2, 3, 4, 5, 15, 30 and  
34 of Article II of Chapter 9 of the Municipal Code of the  
City of Lexington, Nebraska, be and the same are hereby  
repealed.

Passed and approved this 3rd day of April,  
1951.

  
President of the Council

Attest:

  
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City Clerk.