

An Ordinance to amend Article Two of Chapter Thirteen of the Municipal Code of the City of Lexington, Nebraska, and to repeal the original Sections 13-201 to 13-232, inclusive therein; providing rules and regulations concerning the control, management, use, operation, maintenance, specifications and protection of the system of Waterworks of said city; the fixing of rates and fees charged to consumers; providing penalties for violation thereof; and repealing all Ordinances and parts of Ordinances now in conflict therewith.

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

1. That Article Two (2) of Chapter Thirteen (13) of the Municipal Code of the City of Lexington, Nebraska, be amended to read as follows:

SECTION 13-201.01 WATERWORKS- Conditions of Contract with Consumer. That the rules and regulations and water rates hereinafter specified shall be considered a part of the contract with every person, firm or corporation who is supplied with water through the waterworks system of the City of Lexington, Nebraska, and every such person, firm or corporation by taking water or permitting the use of water on his or its property, shall be considered held to consent and to be bound thereby, and when any of said rules or regulations are violated, or such other that said City or the City Manager may hereafter adopt, the water shall be shut off at the building or places of such violation and shall not be turned on again except by order of the City Manager and on payment of any delinquent water charge due from said person, firm or corporation, and upon such other terms as said City Manager may determine.

SECTION 13-201.02 WATERWORKS- Application for Water. Every person or firm or corporation desiring water service must make application therefore at the business office of the City of Lexington. The application must list the street address and legal description of the property where water is to be used. Applications made by tenants or persons other than the owner of the property on which water is used or his agent, must be accompanied by a water service deposit of \$10.00 if service is for residential purpose or \$20.00 or an amount equivalent to a three months' charge for service, whichever is the greater, if the service is for commercial purpose. No more than one house or building shall be supplied from one tap.

SECTION 13-201.03 WATERWORKS- Water Meters Requirements. All water furnished to business or commercial property or establishments, or where a tap and service larger than 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 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. All

water meters installed in connection with the waterworks system of the City shall measure water consumed in terms of gallons. All meters shall be installed, maintained and repaired at the expense of the City, and shall remain the property of the City. Adequate space for any meters required or requested shall be provided by the applicant.

SECTION 13-201.04 WATERWORKS- Service Between Meter and Mains. No person, firm or corporation shall be permitted to have, make or have made any tap or connection with the service pipe between the meter where meter is installed or required and the main; nor shall any pipes capable of carrying water from a private water supply be connected to any water main of the City.

SECTION 13-201.05 WATERWORKS- Meters, Examination of. The owner or tenant on property where a meter is used or required shall provide ready and convenient access to the same so that it may be easily examined, read, maintained or repaired by the employees of the City; and all consumers of water shall permit the City Manager or persons under his direction at all reasonable hours, to enter the premises or building for the purpose of testing any meter or to examine the pipes, meters or other fixtures thereon. All meters of consumers where required as hereinafter designated, or where used by any consumer, shall be read between the 1st and the 15th day of each month and the City Manager shall make or cause to be made statements for the minimum and any excess over the minimum for such monthly period by the first day of the succeeding month, when water bills are due, which statements may be mailed or delivered to the consumers personally; and record of the mailing or delivery date of such statement shall be kept by the City Manager or his agent. A separate ledger account shall be opened and kept for each consumer. All bills shall be payable at the business office of the City.

SECTION 13-201.06 WATERWORKS- Meters out of Order. Should any water meter where meter is required or used as provided herein become out of order or repair, and fail to register properly, the consumer will be charged as estimated consumption based upon a charge equal to the same month or months of the preceding year, and if there be no previous billing, the estimated bill shall be the average of the previous three months' consumption. It shall be unlawful to break any seal on any meter except under the direction and supervision of the City Manager. All water meters may be tested at the expense of the City at a reasonable time.

SECTION 13-201.07 WATERWORKS- Service Repair, Water Cutoff. All persons taking water shall keep the service pipes, stopcocks, and other apparatus in good order and repair and protect the same from frost at their own risk and expense; and it is expressly stipulated by said City and City Manager that no claim shall be made against them or either of them by reason of any service cock or if from any cause the supply of water should fail or from damage arising from shutting off water to repair mains,

making connections or extensions, or for any purpose that may be deemed necessary, and the right is hereby reserved to cut off the supply of water at any time, any permit granted to the contrary notwithstanding.

SECTION 13-201.08 WATERWORKS- Connection Requirements. Either lead, copper or plastic pipe duly approved by the City may be used at the option of the applicant in introducing water service from the stop box to the structure or the lawn watering system on applicant's premises; such service pipe shall be no smaller in diameter than the tap from which it is supplied.

SECTION 13-201.09 WATERWORKS- Depth of Service Pipe. All service pipe and under ground piping on the customers premises shall be laid at a depth not less than the depth of the water main and in all cases be so protected as to prevent rupture from freezing.

SECTION 13-201.10 WATERWORKS- Stop Box. Unless otherwise permitted, stopcocks shall be placed in the service pipe at the edge of or near the curb line and protected by a box or iron pipe reaching from the top of the stopcock to the surface of the ground of suitable size to admit a stop key for turning on and off the stop; and with cast iron cover having the letter "W" or the word "WATER" marked thereon, visible and even with the surface of the ground, said stop box or iron pipe to be kept closed and in good repair. There shall be a service shut off (stop and waste) in every building accessible and operatable by the occupant.

SECTION 13-201.11 WATERWORKS- Tapping Mains Requirements. City employees only shall be permitted to tap mains or distributing pipes or insert stopcocks or ferrules thereon. All taps are to be made between the hours of 8:00 A. M. and 5:00 P. M. of the day, and pipes must in all cases be on the top and not in any case nearer than 15 inches of either end of the pipe, nor nearer than 4 feet to any other tap.

SECTION 13-201.12 WATERWORKS- Service Pipes in Paving Districts. In all paving districts the service pipes between the commercial main in the street and the stopcocks must be of type "K" copper, provided, that service pipes larger than $1\frac{1}{2}$ inch may be of 150 pounds standard cast iron.

SECTION 13-201.13 WATERWORKS- Connection for Fire Protection. Proprietors of business establishments will be permitted to connect un-metered service to mains for purposes of fire protection at their own expense upon application to the City Manager and will be allowed to use the water for fire purposes only. If water is taken from the fire protection service for any other uses, then the fire protection service shall be metered. In the event any water is taken through a meter in case of a fire, the proprietor shall forthwith notify the City Manager of the use of the water for said purpose; if said notice is not given as above mentioned, the proprietor shall be charged and pay for the water taken from said meter at the same rate as herein provided

for other consumers.

SECTION 13-201.14 WATERWORKS- Hydrants. All hydrants erected by said City for the purpose of extinguishing fire are hereby declared to be public hydrants and no person other than members of the fire department, and then only for the use and purpose of said department or person especially authorized by the City Manager; and then only in the exercise of the authority delegated by the City Council of said City or the City Manager shall open any of said hydrants or attempt to draw water from the same or in any manner interfere with same. No hydrants except the public fire hydrants aforesaid or except for public drinking fountains shall be placed within the limits of any street; and no drinking fountain shall be so erected which has openings by which it can be used as a source of domestic supply.

SECTION 13-201.15 WATERWORKS- Limited Use, When. The City reserves a right to suspend the use of water for sprinkling yards, lawns, gardens, or for irrigation purposes or other unrestricted or excessive purpose or use whenever in the opinion of the Council public exigency may require it. The open hose flow of water for yards, lawns, gardens or air conditioning without a sprinkler head or other restricting device is expressly prohibited.

SECTION 13-201.16 WATERWORKS- Consumer Removing from Premises. If any consumer shall move from the premises from which the application was issued or such premises shall be destroyed by fire, the property owner shall notify the City Manager who shall immediately cause the water to be shut off at the premises.

SECTION 13-201.17 WATERWORKS- Price of Material. The City Manager of the City shall establish and provide a schedule of prices of materials based on costs and of labor and expenses furnished or used by the City for establishment and maintenance of customers services on or off of his premises.

SECTION 13-201.18 WATERWORKS- Water for Construction Purposes. The City Manager shall have the authority to issue permits for the use of water for building and construction purposes. He shall adopt such means by inspection or otherwise as may prove most efficient in finding and determining the amount of water which will be used and where water is taken from street hydrants or street fountains and used for irrigation or other special purposes, the regular charge shall be paid as though the water was taken direct from the waterworks and he shall collect the rates provided by this Ordinance therefore. He may in his discretion put in a meter to measure the water used or he may estimate the amount, if the same can be done with the consumer.

SECTION 13-201.19 WATERWORKS- Damaging Waterworks System. No person shall willfully or carelessly break, injure or deface, interfere with or disturb any machinery, apparatus, fixtures, attachments or appurtenances of the waterworks system of said City or any public or private hydrant, hose or water trough or stopcock, meter, water supply

or service pipe or any part thereof, nor shall any person deposit anything in any stopcock box or ~~commit~~ any act tending to obstruct or impair the intended use of any of the foregoing mentioned property.

SECTION 13-201.20 WATERWORKS- Regulations in Case of Fire. All persons, firms or corporations using City water are prohibited from opening any hydrants, taps or any connection of any description during the progress of any fire within said City; and it is hereby made the duty of all consumers upon the sounding of the fire alarm to immediately close and keep closed all water taps during the continuance of said fire.

SECTION 13-201.21 WATERWORKS- Water Furnished on Order of City Manager. Water will not be turned into any property or service pipe, except upon the order of the City Manager or his duly appointed agent, and the same may be turned on only by employees of the City; provided that in an emergency, the City Manager may authorize plumbers to turn on water into a service pipe. No consumer shall supply water to other families, nor permit them to take it off of his or her premises. Regardless of ownership, each dwelling house shall be served by separate service pipe, from water main to house,

SECTION 13-202.01 WATERWORKS- Tap Fees. Where it is necessary to tap the water main and install a new service, the applicant for water service from the waterworks system of said City shall accompany his application with a tap fee of \$40.00 for a 3/4 inch tap and with a tap fee of \$50.00 for a 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 \$15.00 higher than the foregoing fee. Provided further, that such tap fee shall be applicable only in such cases where it is only necessary to install 60 feet or less of pipe from the water main to the property line and in such cases where more than 60 feet is required, such extra charge shall be made as may be determined by the City Manager. In all cases where application is made for a tap larger than 1 inch, the tap fee shall in each case be such sum as the City Manager may fix and determine and said sum shall be paid in advance.

The City by its City Manager will tap or cause to be tapped the commercial main to which the applicant's service pipe will be joined. For the tap 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 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 the stop box is installed; provided the above service shall be furnished for the tap fee aforesaid only in those cases where not more than 60 feet of pipe is required. The 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. The applicant for water service where property does not abut a commercial main shall pay such tap fee as said City Manager of said City shall in each case determine;

Provided however, this provision shall not be construed as an obligation upon the City to make installation on 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 the curb box. Applicants for water service whose property is situated outside the corporate limits of the City shall pay the tap and installation fees in such sums as said City Manager 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. Where meters are required or desired, the City shall specify their location and all meter pits shall be constructed and installed by the City. All meters shall be set in a horizontal position so that the same may be visible for reading and also readily accessible for maintenance and operation. All water pits hereafter shall be constructed of such materials and in such design and manner as prescribed by the City Manager.

SECTION 13-202.02 WATERWORKS- Water Rates and Fees. Each and every consumer of water, where a water meter is used, or required to be used, shall be allowed a minimum amount of 10,000 gallons per month, and the minimum charge for such amount shall be the sum of \$2.00; and for all water used during said month in excess of the minimum of 10,000 gallons, the rate charged to and paid by such consumer and property owner shall be as follows:

Next 15,000 gallons above the minimum at the rate of 12 cents for each thousand gallons.

Next 15,000 gallons at the rate of .11 cents for each thousand gallons.

Next 30,000 gallons at the rate of .10 cents for each thousand gallons.

Over 70,000 gallons at the rate of .09 cents for each thousand gallons.

Each consumer or property owner for which flat rate service is provided upon a property of an area of 7000 square feet or less shall pay a monthly water rental of \$2.00. Each consumer or property owner using water on a property having an area greater than 7000 square feet shall pay in addition to the minimum charge, the sum of .50 cents for each 3500 square feet or a major fraction thereof in excess of 7000 square feet. Any residential property occupied by two families shall in addition to the regular monthly water rental be charged the sum of \$1.00 for the additional family.

Any residential property which is occupied by more than two families shall be serviced at the commercial rate by a meter.

Provided further, that there shall be charged to and paid by the said City for annual use of water in the parks the sum of \$250.00 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 \$100.00 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 \$10.00 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 ground in Block "G", in MacColl and 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 City, School District No. 1, and from the general and sewer maintenance fund, shall not be subject to discount. The rates and charges as herein provided shall be effective from and after the passage, approval and publication of this Article.

SECTION 13-202.03 WATERWORKS- Water Service Deposit. Water service deposits when received in the office of the business office of the City shall be held to the credit of the consumer making the same and refunded to said consumer when water service is discontinued; provided, such deposit may be applied and credited against any unpaid water rents or charges for service remaining unpaid at the time of the termination of the service.

SECTION 13-202.04 WATERWORKS- Taps and Deposits. All tap fees and service deposits shall be paid in advance.

SECTION 13-202.05 WATERWORKS- Due Date for Water Rent. All charges for water service, whether flat rate or metered, shall be due on the first day of the succeeding month and billed monthly. In the event any bill for water services remains unpaid more than 10 days after the due date, it shall be considered delinquent and the City Manager is empowered, instructed and commanded to collect the entire bill and any payment made, which does not include the entire amount shall not bind such City, but shall remain and existing liability against the property on which furnished and the owner thereof, and suit for collection of the same may be brought in the name of the City. The City Manager is empowered and directed to shut off and disconnect the water service of any consumer after his bill has become delinquent, and such bills shall be paid by such consumer before resumption of water service.

SECTION 13-202.06 WATERWORKS- Advance Payment of Bills for Water Service. Any water user may pay in advance any bills for water service in any amount he desires. Such prepayment shall be posted to the credit of the user in the consumers ledger and subsequent bills for water service shall be deducted therefrom until the same is exhausted.

SECTION 13-202.07 WATERWORKS- Determination of Classification. In the event residence use of water and commercial use of water are both served in one building by one water service, all water consumption therein shall be billed on the commercial rate and a meter shall be required.

SECTION 13-202.08 WATERWORKS- Billing to Multiple Consumers. In the event one metered service serves more than one user in one building, the bill for water service of all users shall be rendered to the owner of the property or to the principle user.

SECTION 13-202.09 WATERWORKS- Charges, Lien on Premises. All unpaid water rent or charges for water service, when delinquent, shall be a lien on the premises or real estate where water is used or supplied and may be collected by said City at any time after the same becomes delinquent by civil action in the Courts, and it shall be the duty of the City Manager, once quarterly, to report the names of all parties delinquent in the payment of their water rents, rates, charges, and meter charges, showing the amount due from each delinquent, together with a description of the property, upon which or, for which, the water has been used or supplied and to file a lien against each piece of real estate upon or for which water was used or supplied for such delinquent amount in the office of the Register of Deeds in Dawson County, Nebraska, without further notice to the owner thereof, which lien may be foreclosed against the real estate in the same manner as provided by the Statutes of the State of Nebraska, for the foreclosure of a tax lien, and thereupon, the City Attorney shall proceed to collect the same by suit, either against the person or the property, or both as he may deem expedient. This section shall not be construed or intended to limit the right or duty of the City Manager to shutt off or disconnect the water of any consumer when the amount due for water furnished has become delinquent as provided in this Chapter.

SECTION 13-202.10 WATERWORKS- Reservation to Amend Article. The City reserves the right to at any time alter or amend or change this article or any provision thereof, including the water rates herein established.

SECTION 13-202.11 WATERWORKS- Saving Clause. If any part or parts of this article are for any reason held to be invalid, said holding shall not affect the validity of the remaining portions thereof.


SECTION 13-203.01- Any person, persons or corporation who shall violate, neglect or refuse to comply or who resists or opposes the enforcement of any of the provisions of this article, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not more than One Hundred Dollars (\$100.00) for each offense and such person or persons shall stand committed to jail until such fine and the costs of prosecution are fully paid. Every day on which such violation, neglect or refusal shall continue shall be deemed a separate and distinct offense.

2. That the original Sections 13-201 to 13-232, inclusive, of Article Two (2), Chapter Thirteen (13), of the Municipal Code of the City of Lexington, and all Ordinances or parts of Ordinances in conflict herewith be and the same hereby ~~be~~ ^{ARE} repealed.

PASSED AND APPROVED by more than Three-fourth (3/4ths) of the City Council this 26th day of March, 1957.

Attest:


City Clerk


President of the Council