

ORDINANCE NO. 804

AN ORDINANCE ESTABLISHING AND MAKING A SEWER USE CHARGE FOR THE USE OF THE SANITARY SEWERAGE SYSTEM OF THE CITY OF LEXINGTON, NEBRASKA, ON A JUST AND EQUITABLE BASIS FOR SERVICES RENDERED, AND PROVIDING FOR THE COLLECTION OF SUCH CHARGES AND FOR THE APPLICATION AND USE OF THE MONEYS COLLECTED THEREFROM; AND DECLARING SUCH USE CHARGE TO BE A LIEN UPON THE PROPERTY SERVED;

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

Section 1. The President of the Council and the Council of the City of Lexington, Nebraska, hereby find and determine: This City has constructed and owns and operates a sanitary sewerage system, which system carries the liquid and solid waste sewage of such community and the residents thereof. It is now necessary in order to protect the health of the inhabitants of the City and to comply with the laws of the State and the regulations of the Department of Health of the State of Nebraska, that this sewerage system be extended and improved and a sewage disposal plant be built. For the purpose of paying the cost of extending and improving the sewerage system and the building and equipping of a sewage disposal plant now being built, and for the purpose of paying the principal and interest of any bonds issued for such purposes and for the purpose of creating reserves for any of the aforesaid purposes, and for no other purpose, there is hereby established a sanitary sewer use charge for the use of the sanitary sewerage system as prescribed by this ordinance.

Section 2. DEFINITIONS -

(a) The word "user" is used in this ordinance to include any person, firm or corporation obtaining services of the municipal sewerage system of this City and the owners and tenants of real estate and buildings connected with said sewerage system or served thereby who in any way use the same or discharge sanitary sewage, industrial waste, water or other liquid, either directly or indirectly into the sanitary sewerage system of said city.

(b) The words, "Residential unit" shall mean any structure separate from other structures, designed to be occupied by one family.

(c) The words, "multiple residential unit" shall mean any structure separate from other structures, designed to be occupied by two or more families or individuals living independently of each other. This category shall include apartment houses, motels, and house trailer camps, but shall not include hotels or rooming houses.

(d) The words, "commercial and industrial units" shall mean any structure not included within the above definitions of residential unit or multiple residential unit.

Section 3. RATES - The following rental or use charges shall be levied against each property served directly or indirectly by the Sanitary Sewerage System of the City of Lexington:

(a) Residential Units - \$1.00 per month.

(b) Multiple Residential Units - \$1.00 per month for the first residential unit and 50¢ per month for each additional residential unit whether occupied or unoccupied.

(c) Commercial and Industrial Units - 50% of the water charge for the like period of use; provided, in case of large water users and/or large users of the sewerage system, a special contract may be negotiated between the user and the city. This contract shall be based on both the quantity and strength of the waste emptied into the city sewerage system.

(d) Special Rates - Where in the judgment of the City of Lexington special conditions affecting the real property of any user shall exist to the extent that the rental charges set out in the above schedule will result in an inequitable or unfair charge either for the City of Lexington or the user, the City may levy a special rental or use charge based upon the facts and circumstances of each individual case.

Section 4. USERS NOT IN THE CITY - For service by the Municipal Sanitary Sewerage System outside the corporate limits of the City of Lexington, Nebraska,

each user shall pay a rental charge twice that prescribed by this ordinance for users within said corporate limits. Connections with the sewerage system outside the corporate limits of the city shall be made at the discretion of the city council.

Section 5. PRIVATE WATER SUPPLY - Users having a private water supply which is discharged into this Sanitary Sewerage System shall meter the same at the user's expense and shall be billed at the same rate as that applied to like users having the City water supply, or said private water shall be added to the water supplied by the City for billing purposes if City water is also used by the user.

Section 6. COLLECTION OF SEWERAGE USE CHARGES - The sewage use charge prescribed by this ordinance shall be charged to each user served by the City's Sanitary Sewerage System and shall be a lien upon the property served. If the charges prescribed by this ordinance are not paid within the time within which water service charges for the same user are required to be paid by the ordinances and regulations of the City, then the charge prescribed by this ordinance shall be deemed to be delinquent and the water service of such user shall be discontinued until all delinquent charges are paid.

Section 7. USE OF FUNDS - All moneys collected under this ordinance shall be placed in a separate fund to be known as the "Sewerage Use Fund" and shall be used to service and retire such Sewer Revenue Bonds as may from time to time be issued by the City and secured by a pledge of said funds, and to defray the expense of administering the terms and provisions of this ordinance and for the construction, extension, maintenance, operation and all purposes necessary and incidental to the sewerage system of the City of Lexington, including the sewage disposal plant.

Section 8. SEVERABILITY CLAUSE - Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 9. REPEALER CLAUSE - All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 28th day of October, 1958.



President of the Council

Attest:



City Clerk

(S E A L)