

JOHN M. NEFF
CITY ATTORNEY

ORDINANCE NO. 1234

AN ORDINANCE AMENDING SECTIONS 27-2, 27-3, 27-5, 27-15, 27-22, 27-23 AND 27-26; AND ADDING SECTION 27-31 AND SECTION 27-32 ALL IN CHAPTER 27 OF THE CITY CODE, AND PROVIDING FOR WATER DISTRICTS AND FOR ALL WATER MAINS TO SERVICE NEW AREAS AND PROVIDING FOR THE PENALTY FOR THE VIOLATION OF ANY PARTS OF THE CHAPTER 27.

BE IT ORDAINED BY THE PRESIDENT OF THE COUNCIL AND THE COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA.

Section 1. Section 27-2 of the Code is hereby amended to read as follows:

"Sec. 27-2. Application for service; deposits; separate tap required for each building.

Every person desiring water service shall make application therefore at the business office of the City as provided in Chapter 26-A of this Code. No more than one house or building shall be supplied from one tap."

Section 2. Section 27-3 of the Code is hereby amended to read as follows:

"Sec. 27-3. Metered service required.

All water furnished to business or commercial property or establishments, or where a tap or service larger than three-fourths inch is used, shall be furnished at meter rates through a meter. Water shall be furnished to all residences and property other than business or commercial establishments and where three-fourths inch or smaller tap is used at a flat rate, or at meter rates at the option of the property owner, or as otherwise required by this Chapter. 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 3. Section 27-5 of the Code is hereby amended to read as follows:

"Sec. 27-5. Reading of meter; preparation and delivery of bills.

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 or where used by any consumer each month as provided by the City 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 in a cyclical billing as provided by the City, when water bills are due."

Section 4. Section 27-15 of the Code is hereby amended to read as follows:

"Sec. 27-15. Regulations regarding the use of water.

(a) All water leaks shall be repaired within forty-eight (48) hours of the first indication of such leak or upon notice to the user of water by the City.

(b) Lawn or garden watering shall be prohibited between the hours of 10:00 P.M. and 6:00 A.M.

(c) Excessive lawn or garden watering is prohibited. In addition to other evidence of violation of this provision, continuous flowing of water into the street from such watering or formation of ice on the sprinkler attachment or on the surrounding foliage shall be evidence of such excessive watering.

(d) 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 flow of water for yards, lawns, gardens or air conditioning without a sprinkler head or other restricting device is expressly prohibited."

Section 5. Section 27-22 of the Code is hereby amended to read as follows:

"Sec. 27-22. Tapping procedure and fees generally.

Where it is necessary to tap the water main and install a new service, the applicant for water service from the waterworks system of the City shall accompany his application with a tap fee for a three-fourths inch tap on unpaved streets ninety dollars and on paved streets one hundred fifteen dollars and for a one inch tap on unpaved streets one hundred dollars and on paved streets one hundred twenty dollars. Such tap fee shall be applicable

only in such cases where it is only 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 City Manager. In all cases where application is made for a tap larger than one inch, the tap fee shall in each case be such sum as the City Manager may fix and determine as the actual cost and such 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, that the above service shall be furnished for the tap fee aforesaid only in those cases where not more than sixty 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 the City Manager shall in each case determine; provided, that 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 the 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 City shall pay the tap and installation fees in such sums as the City Manager shall in each case fix; provided, that nothing herein shall be construed to obligate the City to furnish water service to nonresidents. 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 6. Section 27-23 of the Code is hereby amended to read as follows:

"Sec. 27-23. Water Rates and fees generally.

Each and every consumer of water, where a water meter is used, or required to be used, shall be allowed a minimum amount of ten thousand gallons per month, and the minimum charge for such amount shall be two dollars and fifty cents; and for all water used during such month in excess of the minimum of ten thousand 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 9 cents for each thousand gallons.

Each consumer or property owner for which flat rate service is provided shall pay a monthly water rental as follows:

	MONTHLY RATE	YEARLY RATE
Less than 8750 Square feet-----	\$2.50-----	\$30.00
8750 Sq. Ft. to 12249 Sq. Ft.-----	3.15-----	37.80
12250 " " to 15749 " "-----	3.75-----	45.00
15750 " " to 19249 " "-----	4.40-----	52.80
19250 " " to 22749 " "-----	5.00-----	60.00
22750 " " to 26249 " "-----	5.65-----	67.80
26250 " " to 29749 " "-----	6.25-----	75.00
29750 " " to 33249 " "-----	6.65-----	79.80
33250 " " to 36749 " "-----	7.50-----	90.00
36750 " " to 40249 " "-----	8.15-----	97.80
40250 " " to 43749 " "-----	8.75-----	105.00

A residential property occupied by two families shall pay an additional \$1.25 per month.

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

There shall be charged to and paid by the City for annual use of water in the parks two hundred fifty dollars, 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 one hundred dollars payable quarterly and one quarter of such amount to be paid at the end of each quarter of the fiscal year. There shall be paid annually from the general fund of the City, to the water fund, ten dollars for each fire hydrant used and connected with the water system, which amount shall be payable quarterly at the end of each quarter annual period. There shall be paid annually from the sewer fund of the City to the water fund one hundred fifty dollars for water used flushing sewer mains, which amount shall be payable quarterly at the end of each quarter annual period. There shall be charged to and paid by School District No. 1 for

the annual use of water on the high school athletic field in the City, including the two additional taps now located on the high school ground in Block "G", in MacColl and Leflang's Addition to the City, the sum of one hundred dollars 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."

Section 7. Section 27-26 of the Code is hereby amended to read as follows:

"Sec. 27-26. Due date for water rent; collection of delinquent bills.

All charges for water service, whether flat rate or metered, shall be due and billed and cyclical billing shall be used by the City for billing. In the event any bill for water services remains unpaid more than thirty days after the due date, it shall be considered delinquent and the City Manager is empowered, instructed and commanded to collect the entire bill. Any payment made which does not include the entire amount shall not bind such City, but shall remain an existing liability against the property of 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 8. Section 27-31 is hereby added to the Code as follows:

"Sec. 27-31. Water mains and water districts.

To service existing properties within the City of Lexington where water mains are necessary to be constructed for the service of new areas, a water district shall be formed as provided by statute and an improvement shall be assessed against the abutting property owners and the adjoining owners at the rate of three and no/100 dollars per front foot of such water main."

Section 9. Section 27-32 is hereby added to the Code as follows:

"Sec. 27-32. Penalty.

A person who shall violate, neglect or refuse to comply, or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor and on conviction thereof the penalty shall be imposed as provided by the general penalty section, 1-7.

Section 10. That all parts of the Code in conflict with this Ordinance are hereby repealed.

PASSED AND APPROVED June 8, 1971.

Chas. Weylman
President of the Council

ATTEST:

Norris L. Warren

City Clerk

(S E A L)