

PROPOSED ORDINANCE

ORDINANCE NO. 7

AN ORDINANCE PROVIDING FOR THE RULES, REGULATIONS AND CONDITIONS OF SERVICE OF THE MUNICIPAL SANITARY SEWER SYSTEM OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH; AND TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, the VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA, hereinafter called the municipality, has undertaken to construct a municipal sanitary sewer system;

NOW, THEREFORE, be it ordained by the Chairman and Board of Trustees of the Village of Manley, Cass County, Nebraska;

SECTION I. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- B. "Inspector" shall mean any person duly authorized by the Chairman and Board of Trustees to inspect and approve the installation of building sewers and their connection to the public sewer system.
- C. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- D. "Sewer" shall mean a pipe or conduit for carrying sewage.
- E. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- F. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- G. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- H. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- I. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- J. "Shall" is mandatory; "May" is permissive.

SECTION II. USE OF PUBLIC SEWERS REQUIRED.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the VILLAGE OF MANLEY or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage.

B. It shall be unlawful to discharge to any natural outlet within said Village of Manley, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the village, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within two years after date of official notice to do so, provided that the said public sewer is within one hundred feet of the property line.

E. The municipality shall install and maintain the Main and "Y" for each user connection. The customer shall install and maintain at his expense that portion of the service from the "Y" on the Main to his premises. The size and slope of the building sewers shall be subject to the approval of authorized personnel of the municipality, but in no event shall the diameter be less than four inches. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

SECTION 111 - PUBLIC SEWAGE DISPOSAL.

A. Where a public sanitary sewer is not available under the provisions of Section 11-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 11-D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.

C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the village.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

SECTION 1V - BUILDING SEWERS AND CONNECTIONS.

A. No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenances without first obtaining a written permit from the village clerk. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village of Manley, Nebraska

and deposited with the clerk a cash deposit in the form of a surety bond or certified check in the sum of \$ _____ conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority or any ordinances of the Village of Manley pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Manley and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

B. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said village from any loss or damage that may directly or indirectly be occasioned by said installation.

C. A separate and independent building sewer shall be provided for each building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the inspector.

D. Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said Inspector to meet all requirements of this ordinance.

E. The building sewer shall be constructed and installed in accordance with plans and specifications approved by the village and all installations shall be subject to examination and test by the Inspector for the village.

F. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

G. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said Inspector.

H. The applicant for the building sewer shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

I. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said Inspector.

K. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

L. The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the municipality.

SECTION V - USE OF THE PUBLIC SEWERS.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

B. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

C. Sewer service may be discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
2. Nonpayment of bills.
3. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

D. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Inspector, who may prescribe limits on the strength and character of these waters or wastes.

SECTION VI - POWERS AND AUTHORITY OF INSPECTORS.

The inspector, and other duly authorized employees of the Village Board of Trustees, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance.

SECTION VII - PENALTIES

A. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage system. Any person violating this provision shall be subject to immediate arrest upon a charge of malicious destruction of property.

B. Any person found to be violating any provisions of this Ordinance, with the exception of Section VI shall be served by the Village Clerk with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offenders shall within the period of time stated in such notice permanently stop all violations.

C. Any violation of the rules and regulations after written notice to cease and desist shall constitute a misdemeanor and the violator, upon conviction thereof, shall be fined in an amount not to exceed One Hundred Dollars and in addition, shall become liable to the Village for any expense, loss, or damage occasioned to the Village by reason of such violation.

SECTION VIII - REPEAL OF INCONSISTENT ORDINANCES.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX - ORDINANCE IN FORCE.

A. This ordinance will be in full force and effect from and after its passage, approval and publication according to the statutes of Nebraska.

PASSED this _____ day of _____, 19____.

Chairman, Village Board, of
Manley, Nebraska

ATTEST:

Village Clerk