

## **CHAPTER 3: DEPARTMENTS**

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## ARTICLE 1: WATER DEPARTMENT

### § 3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent, who shall report to the Standing Committee on Water and Sewer. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Water and Sewer Committee shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref 17-531, 17-534, 19-1305 RS Neb)*

### § 3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS.

The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

**MAIN.** The term "main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and disbursing the same in the Municipality.

**SUPPLY PIPE.** The term "supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premise where the shut-off, stop box, or curb cock is located.

**SERVICE PIPE.** The term "service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be disbursed.

**SEPARATE PREMISE.** The term "separate premise" is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

**§ 3-103 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT.**

The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Water and Sewer Committee may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Water and Sewer Committee may hereafter adopt, the Utilities Superintendent or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of said Superintendent or his agent.

**§ 3-104 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE.**

The expense of providing water service to the lot line shall be paid by the Municipality. The consumer shall then pay the cost of installation from the lot line to the place of disbursement, including the cost of the curb stop. The cost of installation of the meter shall be paid by the Municipality after the consumer shall have paid to the Municipality any required deposit and hook-up fee of two hundred fifty dollars (\$250.00). Provided, the base cost of all meters shall be that cost of a meter measuring the flow of water through a service pipe no larger than five-eighths (5/8) of an inch in diameter. Should the consumer desire a meter to measure the flow of water through a pipe larger than five-eighths (5/8) of an inch, the cost of that meter in excess of the cost of the base size meter shall be paid to the Municipality by the consumer. All meters shall be of the remote reading type, so placed as to provide the meter reader ready access to the remote dial. The consumer shall be required to pay the expense of procuring the services of a bonded plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from said lot line to the place of disbursement. *(Ref. 17-542 RS Neb.) (Amended by Ord. Nos. 413, 12/21/76; 628, 3/1/94)*

**§ 3-105 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE.**

The customer at his own expense shall replace and keep in repair all service pipe from the curb stop to the place of disbursement; provided, nothing herein shall be construed to prevent the Municipality from doing some or all of the maintenance and charging the consumer for the costs incurred. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. All water meters shall be kept in repair by the Municipality at the expense of the Municipality. When meters are worn out, they

shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Utilities Superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running two percent (2%) or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the quarterly consumption during the same quarter of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Utilities Superintendent. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately. (*Ord. No. 362, 7/16/64*)

### **§ 3-106 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES, WATER DEPOSITS.**

All water consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again; provided, however, that the consumer shall be charged a five (\$5.00) dollar shut-off-turn-on fee each time the water is shut off or turned on at the stop box after the original installation of the hook-up.

All new water service consumers of the City to whom water is supplied, whether tenants, occupants, or owners of the premises, and all water service consumers whose water service has been disconnected subsequent hereto for nonpayment of water bill, shall deposit with the Clerk at the Municipal Office, a water service deposit as hereinafter provided.

The amount of water service deposit shall be fixed from time to time by resolution of the Council, passed and approved by a majority of the members elected thereto, and the Council shall have authority to create classes of water users, and to prescribe different amounts of water service deposits for different classes; provided, however, that the amount of such deposit shall be uniform as to all users within each class; and provided, further that a change in the amount of water service deposit shall not have retroactive effect, and shall not be construed to require additional deposits from water service consumers who have previously made water service deposits, and shall not be construed as requiring a refund to water service customers who may have previously deposited a larger deposit.

All such water deposit funds shall be retained by the City as a guarantee of payment of water charges and service fees incurred by the depositor, and no interest shall be paid to the depositor during the time such sum is retained by the City.

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The water service deposit shall be returned to the applicant, less water service charges, water rents, connect and disconnect fees, and other arrearages to the City when the service is no longer desired by the depositor.

In the event the consumer pays such charges, when due, without default, for a period of three (3) years, such water deposit shall be refunded to such customer. (Ref. 17-542 RS Neb.) (Amended by Ord. Nos. 407, 9/7/76; 409, 10/19/76; 467, 11/20/79)

§ 3-106.01 MUNICIPAL WATER DEPARTMENT; RATES.

For the use of the Municipal Water System, each user shall pay a monthly service fee plus a usage charge as follows:

(A) RESIDENTIAL AND COMMERCIAL USERS:

(1) Effective on January 1, 2015, the monthly service fee will be charged based on the size of the water meter plus a per gallon charge for water usage as follows:

3/4" Service. . . . .	\$ 11.95
3/4" Service Rural. . . . .	17.90
1" Service. . . . .	16.40
1" Service Rural. . . . .	24.60
1½" Service. . . . .	20.25
2" Service. . . . .	23.50
3" Service. . . . .	33.65
4" Service. . . . .	47.10

The charge for usage of water per each 1,000 gallons of water used or fraction thereof, will be computed at \$1.85.

(B) NON-RESIDENT USERS: All users outside the corporate limits shall pay a service charge equal to one and one-half (1-1/2) times the service charges set forth above and a water usage rate equal to one and one-half (1-1/2) times the charge for usage of water set forth above. (Ord. No. 488, 2/8/83) (Amended by Ord. Nos. 490, 3/8/83; 534, 8/5/86; 625, 2/1/94; 644, 3/7/95; 701, 12/4/00; 816, 11/4/08; 854, 11/1/11; 889, 1/6/15)

§ 3-107 MUNICIPAL WATER DEPARTMENT; WATER BILLS.

Water bills shall be due and payable monthly at the office of the Municipal Clerk. The Utilities Superintendent shall read or cause to be read water meters monthly. It shall be the duty of the customers of the Water Department to pay their bills monthly in net cash at the office of the Municipal Clerk. The

Utilities Superintendent shall direct the Municipal Clerk to charge and collect from each customer for the amount of water consumed since the last examination together with any other charges, properly itemized, due the Water Department. Bills shall be due upon receipt and if not paid by the 20th day of the month shall be charged a late payment of five dollars (\$5.00) and shall be deemed to be delinquent and subject to disconnection. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment in accordance with the procedures set forth in section 3-117 of this Code. The Utilities Superintendent shall assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that water is shut off for the nonpayment of any water bill, to compensate the Municipality for the additional hook-up necessary to again provide water service to the delinquent customer. (*Ref. 17-542, 18-416 RS Neb.*) (*Amended by Ord. Nos. 646, 3/7/95; 657, 2/6/96*)

**§ 3-108 MUNICIPAL WATER DEPARTMENT; LIEN.**

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are thirty (30) days



or more delinquent in the payment of water rent, and shall report to the Governing Body at the next regular meeting the unpaid account with a description of the premises on which it was used. The report shall be examined and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk and County Treasurer to be collected as a special tax in the manner provided by law. *(Amended by Ord. Nos. 646, 3/7/95; 867, 12/4/12)*

**§ 3-109 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE.**

No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. *(Ref. 17-537 RS Neb.)*

**§ 3-110 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE.**

The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. *(Ref. 17-537 RS Neb.)*

**§ 3-111 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS.**

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

**§ 3-112 MUNICIPAL WATER DEPARTMENT; POLLUTION.**

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. *(Ref. 17-536 RS Neb.)*

**§ 3-113 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP.**

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice by the Governing Body, to hook-up with the Municipal Water System; provided, all new construction begun after the effective date of this section shall always hook-up to the Municipal Water System. The owner of any property which has an existing structure which is served by an existing private well, may upon annexation of said real estate, request that the connection requirement be deferred until the earlier of such time as (1) the well requires replacement, or (2) the property is no longer owned by the current owners. Each property owner requesting such deferral shall submit a written request together with the municipality, which shall include the name and address of the owner or owners; the legal description of the real estate; and an agreement that the water system must be connected to the municipal service upon the earlier of the sale or transfer of ownership of the real estate by deed, operation of law, or otherwise, or at such time as the well is in need of replacement. (*Ord. No. 809, 6/3/08*)

**§ 3-114 MUNICIPAL WATER DEPARTMENT; INSPECTION.**

The Utilities Superintendent, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (*Ref. 17-537 RS Neb.*)

**§ 3-115 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.**

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Utilities Superintendent.

**§3-116 MUNICIPAL WATER DEPARTMENT; COMPLAINTS.**

*(Repealed by Ord. No. 462, 10/2/79)*

**§ 3-117 MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.**

(1) The Municipality shall have the right to discontinue services and remove its properties if the charges for water and sewer service are not paid on or before the 28th day of the month in which the

statement was issued. At least seven (7) days before any termination, the Department of Utilities shall give notice by first class mail to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. As to any subscriber who has previously been identified as a welfare recipient to the Utility Department by the Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Public Welfare.

(2) The notice shall contain the following information:

(a) The reason for the proposed disconnection;

(b) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;

(c) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

(d) The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;

(e) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

(f) A statement that the Department may not disconnect service pending the conclusion of the conference;

(g) A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five (5) days of receiving notice under this section and will prevent the disconnection of the Department's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this subsection for each incident of nonpayment of any due account;

(h) The cost that will be borne by the domestic subscriber for restoration of service;

(i) A statement that the domestic subscriber may arrange with the Department for an installment payment plan;

(j) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(k) Any additional information not inconsistent with this section which has received prior approval from the Governing Body.

(3) A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

(4) The procedures adopted by the Governing Body for resolving utility bills, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.

(5) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (*Ref. 19-2702 et seq. RS Neb.*) (*Ord. No. 456, 10/2/79*) (*Amended by Ord. Nos. 487, 1/4/83; 646, 3/7/95; 657, 2/6/96*)

### **§ 3-118 MUNICIPAL WATER DEPARTMENT; BACKFLOW PREVENTION.**

All new plumbing must be installed according to the Uniform Plumbing Code, 1985.

The City shall establish, maintain and enforce backflow regulations for the prevention of contamination or pollution of the Municipal water supply, which regulations may be enacted, modified or amended by resolution of the City Council.

The City shall operate, test and maintain the integrity of the backflow program and all backflow devices by inspection by trained and qualified personnel.

The City shall inspect old and new water service for possible cross connections, by an inspector duly qualified for such inspections. Upon determination of a possible backflow condition, and its degree of hazard, the inspector shall require the consumer to take corrective steps and/or install backflow devices as prescribed by the inspector and authorized under the regulations, and shall maintain a testing schedule of such devices as determined necessary by the inspector. The cost of installation of all backflow devices and testing equipment shall be at the expense of the consumer.

All water customers are hereby required to inform the Water Superintendent of any and all hazardous compounds used or expected to be used in their water system at least forty-eight (48) hours in advance of such use, and maintain adequate backflow protection to prevent backflow of such chemicals or compounds into the Municipal water supply. Hazardous compounds shall include all compounds which, when drawn into the Municipal water supply, might contaminate the Municipal water supply.

The City shall disconnect any water user not complying with the provisions of this ordinance, and the backflow regulations established hereunder, or the orders of the Water Superintendent, until such time as requirements are met. (*Ord. No. 582, 3/5/91*)

**§ 3-119 WATER SHUT OFF VALVE REQUIRED FOR EACH OCCUPIED DWELLING, APARTMENT, TOWNHOUSE AND/OR BUSINESS ESTABLISHMENT WITHIN A SINGLE STRUCTURE.**

Each separate dwelling unit or commercial business shall have a stop/shut-off valve on the exterior of the premises, the location of which shall be determined by the Water Superintendent. When a municipal water service pipe supplies two (2) or more distinct premises or tenements, there shall be provided, subject to control of the Water Superintendent, a separate stop/shut-off for each premises or tenement so that water service from one may be disconnected without interfering with the water supply to the other premise or premises. All disconnects shall be located on the exterior of the building, or in a separate common area within the building to allow disconnection without entry into the rental unit. This section shall govern all structures constructed or converted to multiple occupancies or uses after September 6, 2005, and shall not apply to structures which were supplied from a single municipal water service pipe to two (2) or more distinct premises or tenements prior to September 6, 2005. (*Ord. No. 772, 8/2/05*)

**§ 3-120 WATER SERVICE; TERMS DEFINED; PROPERTY OWNER RESPONSIBLE FOR PAYMENT OF BILLS FOR WATER SERVICES; RESUMPTION OF SERVICES.**

(A) For the purpose of this chapter, the term *CUSTOMER or CONSUMER* shall also include the owner of the property to which water services are provided, in addition to any other customer receiving water services at such property.

(B) The owner of the property shall be responsible for the payment of bills for all water services provided by the Municipality to that property, if they are not timely paid by any other customer occupying such property. Upon request of the property owner, the Municipality shall send out duplicate bills to the property owner for each property which is occupied by or rented to any other customer receiving water services at such property. All water bills shall be paid in accordance with the provisions of this chapter.

(C) If water services to a property are discontinued or disconnected for any reason, including non-payment of any bill by any other customer receiving water services at that property, such service shall not be resumed until all fees, charges and bills for utility services for that property have been paid in full by such tenant or other customer, or the property owner. (*Ord. No. 867, 12/4/12*)

**§ 3-121 DISCONNECTED WATER SERVICE; DELINQUENT BALANCE ON WATER BILL.**

It shall be unlawful for the owner of any property owner to lease, rent or occupy, or allow any person to rent or occupy any property for which there is a disconnected water service or delinquent

balance on any outstanding water bill relating to such property., It shall be unlawful for any person to turn on any water service which has been shut-off by the municipality at the curb stop or at the meter, for non-payment of an outstanding water bill, until such bill has been paid. (*Ord. No. 867, 12/4/12*)

**§ 3-122 PENALTY.**

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred (\$500.00). Each day that a violation of this Article continues shall constitute a separate and distinct offense and shall be punishable as such. (*Ord. No. 867, 12/4/12*)

## ARTICLE 2: SEWER DEPARTMENT

### § 3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent, who shall report directly to the Water and Sewer Committee. The Governing Body, for the purpose of defraying the cost of the management and maintenance of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. The Water and Sewer Committee shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (*Ref. 17-149, 17-925.01 RS Neb.*)

### § 3-202 MUNICIPAL SEWER DEPARTMENT; DEFINITIONS.

The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

**BUILDING OR HOUSE SEWER.** The terms "Building Sewer" and "House Sewer" as used in this Code, shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

**BUILDING OR HOUSE DRAIN.** The terms "Building Drain" and "House Drain" as used in this Code, shall mean and include that part of the lowest horizontal piping of a house or building drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of any building or house.

**SOIL PIPE.** The term "Soil Pipe" as used in this Code, shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

**WASTE PIPE.** The term "Waste Pipe" as used in this Code, shall mean and include any pipe which receives the discharge of any fixture, except water closets, and conveys the same to the house drain, soil pipe, or waste stack.

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**LOCAL VENTILATING PIPE.** The term "Local Ventilating Pipe" as used in this Code, shall mean and include any pipe through which foul air is removed from a room or fixture.

**VENT PIPE.** The term "Vent Pipe" as used in this Code, shall mean and include any pipe provided to ventilate a house or building drainage system and to prevent trap siphonage and back pressure.

**TRAP.** The term "Trap" as used in this Code, shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

**TRAP SEAL.** The term "Trap Seal" as used in this Code, shall mean and include the vertical distance between the crown weir and the dip of the trap

**PLUMBING FIXTURES.** The term "Plumbing Fixtures" as used in this Code, shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

**SEWER SYSTEM.** The term "Sewer System" as used in this Code, shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

**SEWAGE.** The term "Sewage" as used in this Code, shall mean and include 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.

**SANITARY SEWER.** The term "Sanitary Sewer" as used in this Code, shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**STORM SEWER.** The term "Storm Sewer" as used in this Code, shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

**GARBAGE.** The term "Garbage" as used in this Code, shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

**PROPERLY SHREDDED.** The term "Properly Shredded" as used in this Code, shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half (1/2) inch in diameter.

**§ 3-203 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT.**

The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing

Body may see fit to do so- The rules, regulations, and sewer rental rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Municipality to which said contract both parties are bound If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Water and Sewer Committee or Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation No further connection for sewer service to said building or premise shall again be made save or except by order of the Superintendent or his agent.

#### **§ 3-204 MUNICIPAL SEWER DEPARTMENT; MANDATORY HOOK-UP.**

Upon written notice by the Utilities Superintendent the property owner, occupant, or lessee of any premise that abuts a sewer main that is now or hereafter may be laid shall without delay cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its construction. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period of thirty (30) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality, to make such connection, the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments. The owner of any property which has an existing structure which is served by a septic system may, upon annexation to the municipality, request the foregoing sewer connection be deferred for a period of not exceeding two (2) years from the date said property is annexed to the municipality. *(Amended by Ord. No. 810, 6/3/08)*

#### **§ 3-205 MUNICIPAL SEWER DEPARTMENT; DIRECT CONNECTIONS.**

Each and every building must make a direct connection with the main sewer line. Under no circumstances will two (2) or more houses be allowed to make such connections through one (1) pipe. *(Ref. 17-503 RS Neb.)*

#### **§ 3-206 MUNICIPAL SEWER DEPARTMENT; INSTALLATION PROCEDURE.**

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation

made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require two (2) inspections by the Utilities Superintendent. The first (1st) inspection shall be made when connections or repairs are complete and before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed and the service restored. It is the customers responsibility to notify the Utilities Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. (*Ref. 18-503 RS Neb.*)

### **§ 3-207 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE.**

The customer shall pay the cost of installation and pipe from the Municipal sewer main to the place of disbursement, and shall pay a sewer connection fee in the amount of twenty-five dollars (\$25.00) to the City Clerk prior to the installation of the service. The consumer shall pay the expense of procuring the services of a bonded plumber, all expense of furnishing and installing pipe, trenching, the costs of connecting to the City sewer main, including necessary labor to bring sewer service from the City sewer main to the place of disbursement. All work shall be done in conformity with the regulations of the City. No sewer service trench shall be filled or sewer pipe covered until the service has been inspected by the Utilities Superintendent or his/her designee. (*Amended by Ord. No. 629, 4/5/94*)

### **§ 3-208 MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT.**

The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. (*Ref. 18-1748 RS Neb.*) (*Amended by Ord. No. 516, 10/2/84*)

**§ 3-209 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION.**

The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (*Ref. 17-925.02 RS Neb.*)

**§ 3-210 MUNICIPAL SEWER DEPARTMENT; SEWER RENTAL BILLS.**

Sewer rental bills shall be due and payable monthly at the office of the Municipal Clerk. The Utilities Superintendent shall compute or cause to be computed sewer rental bills based upon water usage. It shall be the duty of the customers of the Sewer Department to pay their bills monthly in net cash at the office of the Municipal Clerk. The Utilities Superintendent shall direct the Municipal Clerk to charge and collect from each customer the computed sewer rental bill based upon water usage, which shall include all other charges, properly itemized, due the Sewer Department. Bills shall be due upon receipt and if not paid by the 28th day of the month shall be deemed to be delinquent, and subject to disconnection. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment in accordance with the procedures set forth in section 3-117 of this Code. The Utilities Superintendent shall assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that sewer service is shut off for the nonpayment of any sewer rental bill to compensate the Municipality for the additional hook-up necessary to again provide sewer service to the delinquent customer. (*Ref. 17-925.01 RS Neb.*) (*Amended by Ord. Nos. 646, 3/7/99; 657, 2/6/96*)

**§ 3-211 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL USE.**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer.

**§ 3-212 MUNICIPAL SEWER DEPARTMENT; SPECIAL EQUIPMENT.**

In the event a customer of the Municipal Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand the chief sewer official may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe subject to the review of the Governing Body. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or

arrangement between the Governing Body and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other charges.

**§ 3-213 MUNICIPAL SEWER DEPARTMENT; MANHOLES.**

Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the Sewer System any substance which is not the usual and natural waste carried by the Sewer System.

**§ 3-214 MUNICIPAL SEWER DEPARTMENT; INSPECTIONS.**

The chief sewer official or his authorized agents, shall have free access at any reasonable time to all parts of each premise and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this Article therein.

**§ 3-215 MUNICIPAL SEWER DEPARTMENT; SERVICE TO NONRESIDENTS.**

Any person whose premise is located outside the corporate limits of the Municipality and who desires to install a house or building sewer that will be connected with the Municipal Sewer System, shall file a written application with the Municipal Clerk for a permit for such connection and setting forth the name of the owner, occupant, or lessee of the premise, the use to which the premise is devoted, and such other information as the Governing Body may require; provided, in all cases the entire cost of installation and maintenance of any sewer service provided outside the corporate limits shall be paid by the consumer requesting such service. (*Ref. 17-149, 19-2701 RS Neb.*)

**§ 3-216 MUNICIPAL SEWER DEPARTMENT; LIEN.**

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are thirty (30) days or more delinquent in the payment of sewer rent, and shall report to the Governing Body at the next regular meeting the unpaid account with a description of the premises on which it was used. The report

shall be examined and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk and County Treasurer to be collected as a special tax in the manner provided by law. (Ref. 17-925.01 RS Neb.) (Amended by Ord. Nos. 646, 3/7/95; 866, 12/4/12)

**§ 3-217 MUNICIPAL SEWER DEPARTMENT; COMPLAINTS.**

*(Repealed by Ord. No. 462, 10/2/79)*

**§ 3-218 MUNICIPAL SEWER DEPARTMENT; SERVICE CHARGE.**

(1) For the use of the Municipal Sewage System, each user shall pay a service fee plus a rental charge which shall be computed and based upon his contribution of sewage to said system.

(2) The monthly contribution of sewage from each user shall be computed from the user's average water usage for the months of January, February, and March of each year. In the event there is no water usage during the entire three (3) month period, the usage shall be estimated based upon the month or months of usage for said period that are available. In the event there is no water usage during any of said months, or in the event of new construction, the estimated usage determined as follows:

(a) For residential properties, the billing shall be the City's average monthly residential sewer billings for said three (3) month period.

(b) For commercial users, the billing shall be the average monthly commercial sewer billings for said three (3) month period.

(c) In the event the user is served by a private well, the well shall be metered at the cost of the user, and the sewer fee shall be based upon water used from said well for the same three (3) month period.

(d) Upon the request of any user, the monthly sewer rental shall be based upon the actual water usage during each month in lieu of the average of the months of January, February and March as provided above.

(3) The rates to be charged to users within the corporate limits of the City shall be as follows:

(a) **RESIDENTIAL AND COMMERCIAL USERS:** The minimum user charge for each month shall be a service fee of ten dollars and fifty cents (\$10.50) plus a charge of one dollar and sixty cents (\$1.60) per each one thousand (1,000) gallons (or fraction thereof) of monthly water usage.

(b) **NONRESIDENT USERS:** All users outside the corporate limits shall pay rates equal to two times the monthly service fee and usage rates set forth in division (a) above for resident customers.

(c) **ABNORMAL USERS:** All users with sewage which is abnormal hydraulically or organically, or which contains unusual characteristics such as heavy solids, abnormal pH, grease, oil or toxic chemicals, and similar conditions, or of excessive or unusual volume, or in the event the formula set forth in division (a) does not fairly represent the average usage, the user shall be subject to rates set by separate contract with the City and such user, which may require pretreatment by such user as a condition thereof. (*Amended by Ord. Nos. 489, 2/8/83; 539, 12/2/86; 545, 8/4/87; 632, 6/7/94; 645, 3/7/95; 817, 11/4/08; 890, 1/6/15*)

**§ 3-219 SEWER SERVICE; TERMS DEFINED; PROPERTY OWNER RESPONSIBLE FOR PAYMENT OF BILLS FOR SEWER SERVICES; RESUMPTION OF SERVICES.**

(A) For the purpose of this chapter, the term *CUSTOMER or CONSUMER* shall mean the owner of the property where sewer services are provided, in addition to any tenant or other customer receiving sewer services at such property.

(B) The owner of the property shall be responsible for the payment of bills for all sewer services provided by the Municipality to that property, if they are not timely paid by any other customer occupying such property. Upon request of the property owner, the Municipality shall send out separate duplicate bills to the property owner for each property which is occupied by any tenant or other customer receiving sewer services at such property. All sewer bills shall be paid in accordance with the provisions of this chapter.

(C) If sewer services to a property are discontinued or disconnected for any reason including non-payment of bill by the tenant or other customer receiving waster services at the property, such service shall not be resumed until all fees, charges and bills for utility services for that property are paid in full by such tenant or other customer, or by the property owner. (*Ord. No. 866, 12/4/12*)

**§ 3-220 DISCONNECTED WATER SERVICE; DELINQUENT BALANCE ON WATER BILL.**

It shall be unlawful for the owner of any property owner to lease, rent or occupy, or allow any person to occupy any property for which there is a disconnected water service or delinquent balance on any outstanding water bill relating to such property. It shall be unlawful for any person to turn on any water service which has been shut-off by the municipality at the curb stop or at the meter, for non-payment of an outstanding water bill, until such bill has been paid. (*Ord. No. 866, 12/4/12*)

**§ 3-221 PENALTY.**

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day that a violation of this Article continues shall constitute a separate and distinct offense and shall be punishable as such. (*Ord. No. 866, 12/4/12*)

## **ARTICLE 3: FIRE DEPARTMENT**

### **§ 3-301 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING.**

The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. The Governing Body is authorized to enter into a contractual agreement with the appropriate Rural Fire District for the mutual aid and protection of its residents and is authorized to expend any necessary monies to provide said mutual aid and protection. (*Ref. 17-147, 17-718, 17-953 RS Neb.*)

### **§ 3-302 MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF.**

The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the Governing Body at the regular meeting in January of each year to give an annual report to the Governing Body of the general condition and the proposed additions or improvements recommended by him.

### **§ 3-303 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP.**

(A) The Fire Department shall consist of so many members as may be decided by the City Council. The members may organize themselves in any way they may decide, subject to the review of the City Council. The Fire Chief shall appoint no more than 25 members for each fire department company subject to the review and approval of the City Council. All vacancies shall be filled in this manner.

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(B) All members of the Fire Department shall be subject to such rules and regulations, and shall perform such duties, as may be prescribed or required of them by the Fire Chief or the City Council. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the State of Nebraska.

(C) Members of the Fire Department may hold meetings and engage in social activities with the approval of the City Council. The secretary shall, upon request, keep a record of all meetings and shall make a report to the City Council of all meetings and activities of the Fire Department.

(D) Members of the Fire Department shall be considered to be employees of the City for the purpose of providing them with workers' compensation and other benefits. The City Council may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his or her duties in an amount set by resolution.

(E) The City Council shall purchase and maintain in force a policy of group term life insurance to age sixty-five (65) covering the lives of all of the City's active volunteer fire and rescue personnel, except that when any such person serves more than one municipality or rural or suburban fire protection district, the policy shall be purchased only by the first municipality or district which he or she serves. The policy shall provide a minimum death benefit of \$10,000 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age sixty-five (65). The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the fire department of the city. *(Ref. 35-108 RS Neb.)*

(F) For purposes of section 33-139.01 RS Neb., volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the City. *(Ref. 33-139.01 RS Neb.) (Amended by Ord. Nos. 529, 10/1/85; 751, 1/6/04)*

**§ 3-304 MUNICIPAL FIRE DEPARTMENT; FIRES.**

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the Municipality; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

**§ 3-305 MUNICIPAL FIRE DEPARTMENT; FIGHTING DISTANT FIRES.**

The firefighters of the Municipality shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the

Municipality when directed to do so by the Mayor or Chief of the Fire Department or some person authorized to act for such Chief and in so doing, may take such fire equipment of the Municipality as may be designated by the Governing Body.

**§ 3-306 MUNICIPAL FIRE DEPARTMENT; PRESERVATION OF PROPERTY.**

Any official of the Municipal Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the Municipal firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

**§ 3-307 MUNICIPAL FIRE DEPARTMENT; IMPERSONATING FIREMEN.**

It shall be unlawful for any person to falsely personate a fireman by wearing a badge or other apparel usually worn by a fireman for the purpose of obtaining any benefit whatsoever. Nothing herein shall be construed to prohibit the theatrical representation of a fireman for bona fide entertainment purposes when there is no intent to defraud. (*Ref. 28-609 RS Neb.*)

**§ 3-308 MUNICIPAL FIRE DEPARTMENT; MANDATORY ASSISTANCE.**

Any official of the Municipal Fire Department may command the assistance and services of any person present at a fire to help in extinguishing the fire, or in the removal and protection of property. In the event that a spectator refuses, neglects, or fails to assist the Fire Department after a lawful order to do so, he shall be deemed guilty of a misdemeanor.

**§ 3-309 MUNICIPAL FIRE DEPARTMENT; POWER OF ARREST.**

The Municipal Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected arsonist, or other person hindering or resisting the fire fighting effort, or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of Municipal Policemen to command all persons to assist them in the performance of their duties.

**§ 3-310 MUNICIPAL FIRE DEPARTMENT; FIRE INVESTIGATION.**

It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged in excess of fifty (\$50.00) dollars. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he may call for. (*Ref. 81-506 RS Neb.*)

## **ARTICLE 4: POLICE DEPARTMENT**

### **§ 3-401 POLICE DEPARTMENT; DUTIES.**

The Police Department shall consist of the Chief of Police and such further number of regular policemen as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction of the Mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He shall devote his whole time to the municipal affairs, interests of the Municipality, and to the preservation of peace, order, safety, and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Mayor. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Municipality. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and special policemen shall become thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

### **§ 3-402 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE; OR REMOVAL FROM DUTY; NOTICE AND HEARING DETERMINATION.**

(1) No police officer including the Chief of Police, shall be disciplined, suspended, demoted, removed or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the City Council.

(2) Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten (10) days after being notified of such disciplinary action, suspension, demotion, removal, or discharge, file with the Municipal Clerk a written demand for a hearing before the City Council. The City Council shall set the matter for hearing not less than ten (10) nor more than twenty (20) days after the filing of the written demand for a hearing. The City Council shall give the police officer written notice of the hearing not less than seven (7) nor more than fourteen (14) days prior to the hearing.

(3) At the hearing, the police officer shall have the right to: (a) respond in person to the charges and to present witnesses and documentary evidence; (b) confront and cross-examine available adverse witnesses; and (c) to be represented by counsel.

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(4) Not later than thirty (30) days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse, or modify the disciplinary action, suspension, demotion, removal, or discharge. The failure of the City Council to act within thirty (30) days or the failure of a majority of the elected Councilmembers to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal, or discharge. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

(5) Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders. (*Ref. 17-107 RS Neb.*) (*Ord. No. 680, 2/3/98*)

## **ARTICLE 5: PARKS**

### **§ 3-501 MUNICIPAL PARKS; OPERATION AND FUNDING.**

The Municipality owns and operates the Municipal Parks and other recreational areas. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasurer. The Governing Body shall have the authority to adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality. *(Ref. 17-948 through 17-952 RS Neb.) (Amended by Ord. No. 608, 3/2/93)*

### **§ 3-502 MUNICIPAL PARKS; INJURY TO PROPERTY; DOGS, CATS AND OTHER ANIMALS; VENDORS; AND MOTORIZED VEHICLES.**

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the Municipal Parks and recreation areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

All pets, such as dogs, cats or other domestic animals, are prohibited unless they are crated, caged, on a leash or otherwise under physical control of the owner at all times. Horseback riding is permitted only on roadways and on designated parking areas.

The vending, including mobile vendors, or various goods and services, products and commodities, is permitted on park property with the prior written authorization to a responsible party from the Governing Body. Such vending without authorization is strictly prohibited. A copy of this written authorization will be maintained on file with the Municipal Clerk. Said vendors are prima facie responsible for the maintenance and restoration of any park property used by them, to specifically include the proper disposal of paper trash and waste in and around the area of such vending operation.

All motor vehicles operated on park property shall be done so in accordance with all provisions of Chapter 5 of the Milford Municipal Code and the laws of the State of Nebraska. The speed limit within the Municipal Parks shall be fifteen (15) miles per hour. No motor vehicle shall be parked or driven other than on designated roadways or parking areas, without prior written permission of the Governing Body. The operation of golf carts is permitted within South Park, however, they must remain on the

designated roadways and parking areas. The operation of golf carts is not permitted in Welch Park or the Uptown Park. The operation of trail bikes, snowmobiles, all-terrain vehicles, minibikes, and go-carts, is expressly prohibited on all Municipal park property. *(Amended by Ord. No. 610, 4/6/93)*

**§ 3-503 MUNICIPAL PARKS; HOURS OF ACCESS TO ALL MUNICIPAL PARKS.**

(A) It shall be unlawful for any person to intentionally or knowingly occupy, or be present in all of the Municipal parks, including but not limited to: Uptown Park, South Park or Welsch Park, between the hours of 12:00 midnight and 6:00 a.m., unless such person or an organization sponsoring an after hours event within said park of which such person is a participant, has obtained a permit for an after hours event within said park.

(B) Special permits to allow access to the Municipal parks during restricted hours may be obtained by submitting a request for a special permit on forms provided by the Municipal Clerk, specifically setting forth the hours of intended after hours use of a Municipal park, the purpose of such event, the location of such event; the name and address of the responsible supervising adult; and such other information as shall be requested by the Municipal Clerk or the Chief of Police. No permit shall be granted without the approval of the Chief of Police and may be endorsed with restrictions for the protection of municipal property. All after hour activities must be supervised by a responsible adult approved by the Chief of Police. *(Ord. No. 832, 3/2/10)*

## **ARTICLE 6: SWIMMING POOLS**

### **§ 3-601 MUNICIPAL SWIMMING POOL; OPERATION AND FUNDING.**

The Municipality owns and manages the Municipal Swimming Pool. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the Swimming Pool may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Swimming Pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer. The Governing Body may appoint a Pool Committee to assist in the operation and management of the Swimming Pool, to appoint a Swimming Pool Manager and such employees as they may deem necessary, and adoption of rules and regulations for the operation of the Swimming Pool as may be proper for its efficient operation. All actions by the Pool Committee shall be under the supervision and control of the Governing Body. *(Ref. 17-948, 17-951, 17-952 RS Neb.) (Amended by Ord. No. 608, 3/2/93)*

### **§ 3-602 MUNICIPAL SWIMMING POOL; ADMISSION CHARGE.**

The Governing Body may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use by any person of the Municipal Swimming Pool. The said charges shall be on file at the office of the Municipal Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; Provided, that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. *(Ref. 17-949 RS Neb.) (Amended by Ord. No. 608, 3/2/93)*

### **§ 3-603 MUNICIPAL SWIMMING POOL; RENTALS.**

The Pool Committee shall have the authority to rent the Municipal Swimming Pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the Governing Body. The Board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the Municipal Clerk and posted in a conspicuous place at the Municipal Swimming Pool. *(Ref. 17-949 RS Neb.) (Amended by Ord. No. 608, 3/2/93)*

**§ 3-604 MUNICIPAL SWIMMING POOL; RULES AND REGULATIONS.**

The Pool Committee shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the Swimming Pool and for the efficient management thereof. They may provide suitable penalties for the violation of such bylaws, rules, and regulations subject to the review and supervision of the Governing Body. *(Ref. 17-949 RS Neb.) (Amended by Ord. No. 608, 3/2/93)*

## **ARTICLE 7: LIBRARY**

### **§ 3-701 MUNICIPAL LIBRARY; OPERATION AND FUNDING.**

The Municipality owns and manages the Municipal Library through the Library Board. The Governing Body, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Municipal Library. The Library Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body. (*Ref. 51-201, 51-202, 51-211 RS Neb.*)

### **§ 3-702 MUNICIPAL LIBRARY; BOOKS AND MATERIALS.**

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books and other materials in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books and other materials so disposed of. (*Ref 51-207 RS Neb.*) (*Amended by Ord. No. 740, 6/3/03*)

### **§ 3-703 MUNICIPAL LIBRARY; RULES AND REGULATIONS.**

The Library Board shall establish rules and regulations for the governing of the Municipal Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the Library grounds, rooms, books, or other property, or for failure to return books and other materials. All fees, penalties, and forfeitures may be collected in civil actions in the event of failure, neglect, or refusal to pay the said assessments. (*Ref. 51-205, 51-214 RS Neb.*) (*Amended by Ord. No. 740, 6/3/03*)

**§ 3-704 MUNICIPAL LIBRARY; DAMAGED AND LOST BOOKS AND MATERIALS.**

Any person who injures or fails to return any books and/or other materials from the Library shall forfeit and pay to the Library not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. *(Ref. 51-211 RS Neb.) (Amended by Ord. No. 740, 6/3/03)*

**§ 3-705 MUNICIPAL LIBRARY; UNAUTHORIZED REMOVAL OF BOOKS AND OTHER MATERIALS.**

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book or other materials from the Library, without the consent of the Librarian, or an authorized employee of the Library. Any person removing a book or other materials from the Library without properly checking it out shall be deemed to be guilty of a misdemeanor. *(Ref. 51-211 RS Neb.) (Amended by Ord. No. 740, 6/3/03)*

**§ 3-706 MUNICIPAL LIBRARY; MONEY COLLECTED.**

Any money collected by the Library shall be turned over quarterly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue. *(Ref. 51-209 RS Neb.)*

## **ARTICLE 8: CEMETERY**

### **§ 3-801 MUNICIPAL CEMETERY; OPERATION AND FUNDING.**

The Municipality owns and manages the Municipal Cemetery through the Cemetery Board. The Governing Body, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the Cemetery may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Cemetery. The Cemetery Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to hire and supervise such employees as they may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body (*Ref. 12-301 thru 12-403 RS Neb.*)

### **§ 3-802 MUNICIPAL CEMETERY; SEXTON.**

The Cemetery Board, subject to the approval of the Governing Body, shall have the authority to appoint a Sexton who shall perform such duties and make such reports as the Cemetery Board shall direct. It shall be the duty of the Sexton, upon receiving a burial permit to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate, or cause the same to be dug or excavated, in compliance with the rules and regulations of the Cemetery Board.

### **§ 3-803 MUNICIPAL CEMETERY; CONVEYANCE OF LOTS.**

The Governing Body may convey cemetery lots by Certificate signed by the Mayor, and countersigned by the Municipal Clerk under the Municipal Seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said Certificate shall give a right in fee simple to the proprietor, his heirs, and assigns. The Certificate shall then be recorded in the office of the County Clerk. (*Ref. 17-941 RS Neb*)

### **§ 3-804 MUNICIPAL CEMETERY; PERPETUAL CARE.**

The Municipal Treasurer shall allocate and set apart a percentage of the entire amount paid for lots

or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature, and as it accumulates shall be invested in such interest bearing securities as are authorized by State law. The income earned thereon shall be used solely for the purposes of perpetual care for the Cemetery lots. Any lot owner who shall not have, prior to the purchase of his lot, endowed his holdings with perpetual care, may do so by paying to the Secretary of the Cemetery Board such sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

### **§ 3-805 MUNICIPAL CEMETERY; BURIAL PERMIT.**

All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the Municipal Cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by State law, the funeral director shall notify the Registrar and obtain his written approval before the deceased person may be buried in the Municipal Cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk. It shall be unlawful for the Sexton, or other person, to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the Sexton. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the Cemetery Board. Upon completion of the requirements herein, the Municipal Clerk shall then issue a Municipal Burial Permit which shall entitle the applicant to bury a deceased person in the Municipal Cemetery. In the event that the removal of the body of any deceased person is requested the Municipal Clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment. (*Ref. 71-605 RS Neb.*)

### **§ 3-806 MUNICIPAL CEMETERY; DESTRUCTION OF PROPERTY.**

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the Cemetery, or any fence, railing, or other work for the protection or ornamentation of the Cemetery, or who shall willfully destroy, cut, break, or injure any tree, shrub, or plant shall be deemed to be guilty of a misdemeanor. (*Ref. 28-512 RS Neb.*)

## **ARTICLE 9: DUMPING GROUNDS**

### **§ 3-901 MUNICIPAL DUMPING GROUND; OPERATION AND FUNDING.**

The Municipality leases the Municipal Dumping Grounds, and operates the same through the Dump Caretaker. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Dumping Grounds may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of an real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Dump Fund and shall remain in the custody of the Municipal Treasurer. The Dump Caretaker shall have the direct management and control of the Municipal Dump and shall faithfully carry out the duties of his office. The Dump Caretaker shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Dumping Grounds subject to the supervision and review of the Governing Body. *(Ref. 19-2101 thru 19-2106 RS Neb.)*

### **§ 3-902 MUNICIPAL DUMPING GROUNDS; STATE REGULATION.**

The Municipality shall each year apply for a license to operate the Municipal Dumping Grounds. Application shall be made to the Department of Environmental Control on forms provided by the Department. No fee shall be charged for such licensing. Each license so issued shall expire on October 1, following the date of issuance. It shall be the duty of the Dump Caretaker to comply with the rules and regulations prescribed by the Department of Environmental Control for the use and operation of the Municipal Dumping Grounds. *(Ref. 71-4101 thru 71-4109 RS Neb)*



## **ARTICLE 10: UTILITIES GENERALLY**

### **§ 3-1001 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.**

The Municipality shall have the right to discontinue services and remove its properties if the charges for such services are not paid within twenty (20) days after the date that the same becomes delinquent. Before any termination, the Department of Utilities shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five (5) days of

receiving notice under this section and will prevent the disconnection of the Department's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the Department for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Governing Body.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

The procedures adopted by the Governing Body for resolving utility bills, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full.

This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (*Ref. 19-2702 et seq. RS Neb.*) (*Ord. No. 517, 10/2/84*)

**ARTICLE 11: PENAL PROVISION**

**§ 3-1101 VIOLATION; PENALTY.**

*(Repealed by Ord. No. 703, 4/4/00)*

*For penalty provisions, see section 12-101 of Chapter 12.*



