

**ORDINANCE NO.2023-07**

**OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 50 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED “50.06 SALE OF WATER TO CUSTOMERS OUTSIDE CITY LIMITS”; CREATING POLICIES FOR THE SALE OF WATER OUTSIDE CITY LIMITS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN; AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Nebraska Revised Statute §19-2701, the City of Peru, Nebraska, may enter a contract to sell water to persons beyond the corporate limits if the City Council deems that it is beneficial to the City and community to do so.

**WHEREAS**, pursuant to Nebraska Revised Statute §17-537, The City Council of the City of Peru, Nebraska, shall have the power to make and enforce all necessary rules and regulations in the construction, use, and management of waterworks, mains, portion, or extension of any system of waterworks or water supply and for the use of the water from such system.

**WHEREAS**, the sale of water to customers outside of corporate limits of the City of Peru is beneficial to the residents of the City of Peru, as the monies collected from revenues generated by sale of water are necessary to pay for the acquisition and development of the water construction, operation, and maintenance of the water facilities.

**WHEREAS**, definite statements need to be made in order to establish a policy pertaining to the provision and extension of water to consumers outside the City limits.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERU, NEBRASKA;**

**SECTION 1.** That “Chapter 50: General Provisions” of the City of Peru, Nebraska, Code of Ordinances is amended, consistent with Code §10.17, to include 50.06 Sale of Water to Customers Outside City Limits, read as follows:

**“§50.06 SALE OF WATER TO CUSTOMERS OUTSIDE CITY LIMITS.**

(A) The City of Peru, Nebraska shall not supply water services to any person outside the corporate limits except upon approval by a majority vote of City Council. Applicants must pay for any extension of service lines required to serve their property, as well as any maintenance, repair, or replacement of said service lines. Nothing herein shall be construed to obligate the City to provide water services to non-residents.

(B) Policies and procedures.

(1) General.

(a) Any person whose premises are located outside the corporate limits of the City and who desires to connect to City water services shall file a written application with the City Clerk,

setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises are devoted, and such other information as the City Council may require.

(b) All water service to customer(s) outside of the City limits shall be provided in accordance with an agreement executed by the customer(s) and the Mayor of the City Council after approval by the City Council. A blank copy of agreements shall be made available in the City Clerk-Treasurer's office.

(c) The agreement may be amended from time to time only with the written approval of all parties to the agreement.

(d) If the property is annexed into the city limits, after installation of the water supply facilities, the agreement is null and void. After the effective date of annexation of the City Code and ordinances in effect at the time of annexation pertaining to water service inside the City limits shall then apply.

(e) All costs shall be borne and paid by the customer(s) applying for service. These costs may include but are not limited to: materials; labor; engineering; inspection; permit fees to the State Department of Health, City, State Department of Transportation, County Commissioners; and the like.

(f) Meters for individual service shall be purchased and installed by the City. Payment for the meter shall be part of the normal connection fee charged by the city when connecting a customer to the water system. The city shall retain full ownership and maintenance of the meter.

(g) Charges for water service shall be based on the rates established by the City Council. These rates will change from time to time, and the City reserves the right to establish separate or higher rates for customers outside of the City limits.

(h) Sale of water to customers outside of the city limits does not establish a right on the part of the City Council to regulate or in any way enforce any other regulations on those customers outside of the City limits.

(i) All requirements and standards of the Nebraska State Department of Health, if applicable, shall be met regarding the design and installation of all waterline and water service facilities.

(j) If a condition arises resulting in an extended period of insufficient water supply to meet the demands of the City's customers located within the City limits, the City Council may, by enactment of a resolution, discontinue on a temporary or permanent basis the sale of water outside the city limits.

## (2) Agreement

(a) All new connections to the City waterline shall be made as close to the property to be serviced as possible. The meter shall be set near the City waterline within the City's easement. All service line materials on the customer's side of the meter shall remain the property of the customer. Maintenance responsibility for these materials shall remain with the customer. All service line

materials on the City's side of the meter, including meter, angle valve, meter box, service taps and corporation stop at the main and the like shall be the maintenance responsibility of the city.

(b) Tapping of the city's waterline shall be done only by the City's Water Superintendent, Employees, Agents, or Assignees.

(c) All repairs to waterlines must be approved and overseen by the City's Water Superintendent, Employees, Agents, or Assignees.

(d) Prior to any and all excavation performed on properties connected to a City waterline, waterline locating is required. Upon request by the Customer, the City may perform location services for waterlines. Nothing herein shall create liability on the city for mislocating any waterlines.

(e) Master meters shall be installed and checked by City employees at least once a year.

(D) Any agreements entered prior to the passage of this ordinance for the sale of City water to customers outside the city limits shall remain in effect within a written agreement made between the customer(s) and approved by the City.

SECTION 2. All other sections of Chapter 50 of the Municipal Code of the City of Peru, Nebraska, not in conflict herewith, shall remain in full force and effect.

SECTION 3. That any other ordinance or section thereof passed or approved prior to the passage, approval, and publication or posting of this ordinance that is in direct conflict herewith is hereby repealed.

SECTION 4. This ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication or posting as required by law.

Passed and approved on its second reading this 17 day of July, 2023.

Cate Wyckoff	Aye: <input checked="" type="checkbox"/>	Nay: _____	Absent: _____	Abstain: _____
Quentin Kieler	Aye: <input checked="" type="checkbox"/>	Nay: _____	Absent: _____	Abstain: _____
Marty Peregoy	Aye: <input checked="" type="checkbox"/>	Nay: _____	Absent: _____	Abstain: _____
Dave Pease (Mayor) <i>(on tie breaker)</i>	Aye: _____	Nay: _____	Absent: _____	Abstain: _____

David Pease  
David Pease, Mayor of  
City of Peru, Nebraska

ATTEST:

T. Schultz  
Clerk for the City of Peru, Nebraska

(Seal)



Approved as to Form & Legality:

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City Attorney

A handwritten signature in blue ink, appearing to be "R. [unclear]", is located in the lower right quadrant of the page.