

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 24.38 of the Lincoln Municipal Code to  
2 regulate on-site wastewater treatment systems and implement state statutory requirements by  
3 amending Section 24.38.010 to change references to individual sewage disposal systems to on-  
4 site wastewater treatment systems; amending Section 24.38.020 to amend, delete and add  
5 relevant definitions; amending Section 24.38.030 to promulgate design standards and require  
6 a property size of three acres for on-site wastewater treatment systems; amending Section  
7 24.38.040 to require a repair permit; adding a new section numbered 24.38.041 to provide  
8 requirements for certification to construct on-site wastewater treatment systems; adding a new  
9 section numbered 24.38.042 to provide conditions for installation of on-site wastewater  
10 treatment systems by homeowners; adding a new section numbered 24.38.043 to provide for  
11 registration of master and journeyman installers; adding a new section numbered 24.38.044 to  
12 provide the requirements for the registration of master and journeyman installers; adding a new  
13 section numbered 24.38.045 to provide conditions for revocation of master and journeyman  
14 installers certificates of registration; amending Section 24.38.050 to allow the Health Director  
15 to probe, excavate or take other action for inspection purposes; amending Section 24.38.055  
16 to require an operating permit for non-standard on-site wastewater systems; amending Section  
17 24.38.060 to change a reference to individual sewage disposal systems to on-site wastewater  
18 treatment systems and references to Health Officer to Health Director; amending Section  
19 24.38.070 to amend fees related to on-site wastewater treatment systems; amending Section  
20 24.38.080 to change a reference to individual sewage disposal systems to on-site wastewater  
21 treatment systems; amending Section 24.38.090 to require that on-site wastewater treatment

1 systems be constructed or repaired in conformance with this chapter and design standards;  
2 amending Section 24.38.110 to require non-standard on-site wastewater treatment systems to  
3 be designed by a professional engineer and allow the Health Director to require additional  
4 information on the application; amending Section 24.38.120 to provide that all on-site  
5 wastewater treatment systems shall not pollute air, land, or water; repealing Section 24.38.130,  
6 Appeal, to include the appeal process in a later section; amending Section 24.38.140 to add that  
7 inspections will determine compliance with design standards; repealing Section 24.38.150,  
8 Penalty for Violations, to include penalty provisions in a later section; adding a new Section  
9 24.38.160 to provide for the granting of variances by the Health Director; adding a new Section  
10 24.38.170 to provide conditions for a stop order by the Health Director; adding a new Section  
11 24.38.180 to set forth the process for the revocation or suspension of a permit; adding a new  
12 Section 24.38.190 to provide for Enforcement Hearings by the Health Director; adding a new  
13 Section 24.38.200 to provide conditions for the immediate suspension of a permit; adding a new  
14 Section 24.38.210 to provide for application for reinstatement after suspension of a permit;  
15 adding a new Section 24.38.220 setting forth the requirements for service of notice by the  
16 Health Director; adding a new Section 24.38.230 to provide for an appeal process; adding a new  
17 Section 24.38.240 to provide penalties for violations of this chapter; and repealing Sections  
18 24.38.010, 24.38.020, 24.38.030, 24.38.040, 24.38.050, 24.38.055, 24.38.060, 24.38.070,  
19 24.38.080, 24.38.090, 24.38.110, 24.38.120, 24.38.130, and 24.38.140 of the Lincoln Municipal  
20 Code as hitherto existing.

21 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

22 Section 1. That Section 24.38.010 of the Lincoln Municipal Code be amended  
23 to read as follows:

1       **24.38.010 Purpose.**

2               The City Council finds that properly planned, constructed, installed, operated, and  
3 maintained ~~individual sewage disposal~~ on-site wastewater treatment systems:

4               (a) Promote the health and welfare of the citizens of this city by preventing the pollution  
5 of ground and surface water;

6               (b) Prevent nuisance;

7               (c) Eliminate hazards to the public health by minimizing pollution of water supplies and  
8 hazards to recreational areas; and

9               (d) Minimize disease transmission potential.

10              It is, therefore, declared to be the public policy of this city to eliminate and prevent health  
11 and safety hazards by regulating the design, construction, installation, operation, and  
12 maintenance of ~~individual sewage disposal~~ on-site wastewater treatment systems, requiring  
13 registration of those who clean systems and dispose of wastes therefrom; and providing  
14 penalties for violations.

15              Section 2. That Section 24.38.020 of the Lincoln Municipal Code be amended  
16 to read as follows:

17       **24.38.020 Definitions.**

18              **Chemical toilet** shall mean a portable structure containing toilet facilities which  
19 discharge into a holding tank containing bactericidal liquid.

20              **Cleaner** shall mean a person who removes and transports for disposal the contents,  
21 including sludge and septage, from ~~individual sewage disposal~~ on-site wastewater treatment  
22 systems, and community sewage systems wastewater lagoons, or wastewater works as

1 defined hereinafter or who hauls special or industrial wastes of a liquid nature or of a nature that  
2 it can be pumped.

3 **Community sewage system** shall mean a wastewater works, any system, whether  
4 publicly or privately owned, serving two or more individual lots, for the collection and disposal  
5 of sewage or industrial wastes of a liquid nature, including various devices for the treatment of  
6 such sewage or industrial wastes.

7 **Department** shall mean the Lincoln-Lancaster County Health Department.

8 **Domestic wastewater** shall mean human body waste and household type wastes  
9 including bath and toilet wastes, laundry wastes, kitchen wastes, and other similar wastes from  
10 dwellings and establishments.

11 **Ground water** shall mean water occurring beneath the surface of the ground that fills  
12 available openings in rock or soil materials such that they may be considered saturated.

13 **Health officer Director** shall mean the Director of Health of the Lincoln-Lancaster  
14 County Health Department or his or her authorized representative.

15 **Individual sewage disposal system** shall mean a sewage disposal system, other  
16 than a public or community system, which receives either human excreta or liquid waste, or both  
17 from one or more premises. Included within the scope of this definition are septic tank soil-  
18 absorption systems and chemical-type toilets, and such other types as may be similar to those  
19 specified herein.

20 **Industrial wastes** shall mean liquid or other wastes resulting from the processes  
21 employed in industrial and commercial establishments wastewater not otherwise defined as  
22 domestic wastewater, including the runoff and leachate from areas that received pollutants  
23 associated with industrial or commercial storage, handling or processing.

1           **Journeyman Installer** shall mean any person validly registered as a Journeyman  
2 Installer, pursuant to Section 24.38.044 and who is employed by and works under the general  
3 supervision of a Master Installer.

4           **Lot** shall have the same definition of the term "lot" as set forth in Section 27.03.360 of  
5 the Lincoln Municipal Code.

6           **Master Installer** shall mean any person validly registered as a Master Installer,  
7 pursuant to Section 24.38.044.

8           **Non-standard on-site wastewater treatment system** shall mean a system which  
9 does not meet the requirements of design standards adopted pursuant to this chapter or  
10 generates over 1,000 gallons per day.

11           **On-site wastewater treatment system** shall mean any system of piping, treatment  
12 devices, or other appurtenances that convey, store, treat, or dispose of wastewater on the  
13 property where it originates, or on nearby property under the control of the user, where the  
14 system is not connected to a wastewater works. All systems are limited to a maximum size of  
15 1000 gallons per day to be considered an on-site wastewater treatment system.

16           **Person** shall mean an individual, firm, partnership, company, corporation, trustee,  
17 association, organization, or other public or private entity.

18           ~~**Potable water** shall mean water free from impurities in amounts sufficient to cause~~  
19 ~~disease or harmful physiological effects with the bacteriological and chemical quality conforming~~  
20 ~~to applicable standards of the Lincoln-Lancaster County Health Department.~~

21           **Privy or earth pit privy** shall mean a device or structure for the disposal of human  
22 excreta in a pit in the earth; the pit is covered by a structure affording privacy and shelter and  
23 containing a riser and seat.

1           Professional engineer shall mean a person licensed by the State of Nebraska as a  
2           Professional Engineer.

3           Septage shall mean those solids and liquids removed during periodic cleaning of a  
4           septic tank.

5           Seepage pit shall mean a covered pit with open-jointed lining through which septic tank  
6           effluent may seep or leach into surrounding ground.

7           ~~Septic tank~~ shall mean ~~a watertight receptacle which receives the discharge of a~~  
8           ~~building's sanitary drainage system or part thereof, exclusive of industrial wastes, and is~~  
9           ~~designed and constructed so as to separate solids from the liquid, digest organic matter through~~  
10           ~~a period of detention, and allow the liquids to discharge into the soil outside of the tank through~~  
11           ~~a system of open-joint or perforated piping, or a seepage pit~~ a watertight covered receptacle  
12           designed and constructed to receive wastewater from a building sewer, separate solids from  
13           liquids, digest organic matter, store digested solids through a period of detention, and allow the  
14           clarified liquid to discharge to a soil absorption system or other approved system.

15           Sludge shall mean the accumulated settled solids deposited from wastewater and  
16           containing water to form a semi-liquid mass.

17           Standard on-site wastewater treatment system shall mean a system which meets  
18           the requirements of this chapter and design standards adopted pursuant to this chapter.

19           Three-mile zone shall mean that area within three miles of the corporate limits of the  
20           City of Lincoln.

21           Wastewater lagoon shall mean a shallow body of water in which organic wastes are  
22           decomposed by bacteria in the presence of free oxygen.

1 Wastewater works shall mean facilities for collecting, transporting, pumping and  
2 treating wastewater and the disposal of treated effluent and sludges.

3 Waters of the state shall mean all waters within the jurisdiction of this state, including  
4 all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, water courses,  
5 waterways, wells, springs, irrigation systems, drainage systems and all other bodies or  
6 accumulations of water, surface or underground natural or artificial, public or private, situated  
7 wholly or partly within or bordering upon the state.

8 Section 3. That Section 24.38.030 of the Lincoln Municipal Code be amended  
9 to read as follows:

10 **24.38.030 Requirements for Individual Sewage Disposal On-site Wastewater**  
11 **Treatment Systems.**

12 Minimum requirements are hereby prescribed in this chapter together with design  
13 standards adopted pursuant to this chapter governing the design, construction, installation,  
14 operation, and maintenance of ~~individual sewage disposal~~ on-site wastewater treatment  
15 ~~systems, together with procedures relating thereto, in implementation of this chapter governing~~  
16 ~~individual sewage disposal systems.~~ All standards for the design, operation and maintenance  
17 of on-site wastewater treatment systems referred to herein shall be adopted and amended by  
18 the City Council by resolution, filed with the City Clerk and incorporated into the City of Lincoln  
19 Design Standards. No person shall construct an on-site wastewater treatment system on a  
20 property which is less than three (3) acres in size. No person shall construct, alter, extend,  
21 operate, or clean any ~~individual sewage disposal~~ on-site wastewater treatment system within  
22 the City of Lincoln or the three-mile zone contrary to the provisions of this chapter or design  
23 standards adopted pursuant to this chapter; no privies shall be constructed or installed for use  
24 after the effective date of the ordinance codified in this chapter. Any on-site wastewater

1 treatment system that does not conform to the requirements of this chapter and design  
2 standards adopted pursuant to this chapter shall be designed by a Professional Engineer (P.E.)  
3 licensed in the State of Nebraska.

4 Section 4. That Section 24.38.040 of the Lincoln Municipal Code be amended  
5 to read as follows:

6 **24.38.040 Individual Sewage On-site Wastewater Treatment System Construction**  
7 **Permit.**

8 No person shall construct a new ~~individual sewage disposal~~ on-site wastewater  
9 treatment system or make alterations or extensions to existing systems or cause the same to  
10 be done without an ~~individual sewage~~ on-site wastewater treatment system construction permit  
11 issued by the Health ~~Officer~~ Director to the owner or lessee of the lot on which the work is to be  
12 done, and on the condition that he be responsible for all of the labor in connection with the job.  
13 ~~Repair or replacement of any existing component or minor extension of the laterals to an~~  
14 ~~existing system which does not change the use, operation, or location of the system and which~~  
15 ~~does not cost more than \$400.00 in labor and materials shall require submission of an~~  
16 ~~application as hereinafter described but shall not require payment of fees in issuance of a~~  
17 ~~construction permit. No person shall replace tanks, soil absorption, infiltrative or evaporative~~  
18 ~~systems, or extend the laterals to an existing system or cause the same to be done without an~~  
19 ~~on-site wastewater treatment system repair permit issued by the Health Director to the owner~~  
20 ~~or lessee of the lot on which the work is to be done. A repair permit is not needed to repair~~  
21 ~~existing structural components, including distribution boxes, mechanical devices, pumps,~~  
22 ~~blowers and electrical equipment.~~

1 (a) Application for a permit to construct, ~~alter, or extend an individual sewage~~  
2 ~~disposal or repair an on-site wastewater treatment~~ system shall be submitted to the Health  
3 ~~Officer~~ Director on forms furnished by the Health ~~Officer~~ Director and shall include ~~the following~~  
4 information as required by Section 4 of the Design Standards, information specified in the  
5 application forms and any other necessary information to determine whether the construction,  
6 alteration, or extension will conform to the provisions of this chapter/ and design standards  
7 adopted pursuant to this chapter. The application shall include

8 (1) ~~Name and address of the applicant;~~

9 ~~Legal description of property on which construction, alteration, or~~  
10 ~~extension is proposed;~~

11 ~~Complete plan of the proposed disposal facility with substantiating data~~  
12 ~~attesting to its compliance with the minimum standards of the City of Lincoln;~~

13 ~~Detailed information on forms furnished by the Health Officer showing the~~  
14 ~~absorptive qualities of the soil for the proposed use thereof, except, this requirement may be~~  
15 ~~waived by the Health Officer if he has sufficient information to make such determination. The~~  
16 ~~Health Officer may be present and perform and observe such necessary tests designed to show~~  
17 ~~the absorptive qualities of the soil;~~

18 (5) ~~Pertinent ground water and geological data;~~

19 ~~E~~evidence to demonstrate to the satisfaction of the Health ~~Officer~~ Director  
20 that there is no community sewer (wastewater works) or other part of the community sewage  
21 system within ~~two hundred~~ 300 feet of such building or premises into which the sewage can be  
22 discharged.

1 (b) When, upon review of the application, the Health Officer ~~is satisfied~~ Director  
2 determines that the proposed design meets the requirements of this chapter and all applicable  
3 fees have been paid, a written construction or repair permit ~~to proceed with construction~~ shall  
4 be issued.

5 (c) The on-site wastewater treatment system must be constructed according to the  
6 Health Director approved design.

7 (ed) When, upon review of the application, the Health Director determines the  
8 proposed design does not meet the requirements of this chapter, or soil or geological conditions  
9 are such as to preclude safe and proper operation of the desired installation or installations, a  
10 construction or repair permit ~~to proceed with construction~~ shall be denied.

11 (e) A construction or repair permit shall be valid for one year after the date of  
12 issuance. A construction or repair permit can be extended for a period of six months with the  
13 payment of applicable fees.

14 Section 5. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
15 adding a new section numbered 24.38.041 to read as follows:

16 **24.38.041 Requirements for Certification to Construct On-site Wastewater**  
17 **Treatment System.**

18 After October 1, 2002, it shall be unlawful for any person other than a registered Master  
19 Installer, a registered Journeyman Installer, or homeowner meeting the criterion set forth in  
20 Section 24.38.042 herein, to construct any on-site wastewater treatment system or similar waste  
21 treatment, holding, or disposal facility; or replace tanks, soil absorption, infiltrative or evaporative  
22 systems; to cause the same to be done. No such work shall be performed unless a registered  
23 Master Installer or Journeyman Installer is present on-site with the exception of the homeowner  
24 meeting the criterion set forth in Section 24.38.042 herein.

1                   Section 6. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
2 adding a new section numbered 24.38.042 to read as follows:

3                   **24.38.042    Installation by Homeowner**

4                   After October 1, 2002, homeowners may install and maintain an on-site wastewater  
5 treatment system or similar waste treatment, holding or disposal facility only in a single family  
6 residence which they occupy or will occupy as their own home. All equipment installed by  
7 homeowners shall be for themselves without compensation or pay from or to any other person  
8 for such labor or installation. Such installation by homeowners shall comply with the  
9 requirements of this code, including the requirements to apply for and secure a permit, pay fees,  
10 and comply with inspection requirements.

11                   Section 7. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
12 adding a new section numbered 24.38.043 to read as follows:

13                   **24.38.043    Registration of Master and Journeyman Installers; Application.**

14                   After October 1, 2002, application for a certificate of registration of a Master Installer and  
15 Journeyman Installer shall be made to the Health Director on forms furnished by the Health  
16 Director for such purpose. Such forms shall require the name, address, business address,  
17 daytime phone number of the applicant, which certificate of registration the applicant is applying  
18 for, and such other relevant information as may be required by the Health Director. The  
19 applicant shall complete the required forms.

20                   Section 8. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
21 adding a new section numbered 24.38.044 to read as follows:

22                   **24.38.044    Registration of Master and Journeyman Installers; Requirements.**

1           (a)    Before a registration certificate shall be issued, the applicant, after October 1,  
2           2002, shall be required to satisfactorily complete a training and testing program approved by  
3           the Health Director to determine their qualifications and fitness for executing the work necessary  
4           for either Master Installer or Journeyman Installer. The Health Director shall issue a registration  
5           certificate if:

- 6                   (1)    The applicant has properly completed the required application forms;  
7                   (2)    The registration fee has been paid pursuant to Section 24.38.070;  
8                   (3)    The training and testing program has been satisfactorily completed;  
9                   (4)    The applicant agrees to up-date all pertinent registration data as it  
10           changes, including applicant's address, business address, daytime phone number, and such  
11           other information as the Health Director requires.

12           (b)    Once issued, said registration certificate shall remain in force for three years from  
13           its date of issue, except that the certificate may be revoked as provided for in Section 24.38.045.  
14           Registrations at the time of their expiration may be renewed without an examination upon  
15           completion of continuing education as approved or provided by the Health Department and  
16           payment of the registration fee as provided in Section 24.38.070. Registered Master Installers  
17           and Journeyman Installers who do not renew their registration prior to or on the date of  
18           expiration shall be required to submit to and re-apply for a certificate and pass a written  
19           examination and pay the registration fee provided in Section 24.38.070, prior to renewal.

20                   Section 9. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
21           adding a new section numbered 24.38.045 to read as follows:

22           **24.38.045    Certification of Master and Journeyman Installers; Revocation.**

1           (a)    The Health Director, after conducting a hearing as herein provided, shall have the  
2 power to revoke the certificate of registration of a Master Installer or Journeyman Installer  
3 registered pursuant to this title if the same was obtained by error or fraud, or if the holder thereof  
4 is shown to be no longer qualified, or if such holder fails to comply with the provisions of law.

5           (b)    Where the Health Director has reason to believe a revocation of a registered  
6 Master or Journeyman Installer's certificate of registration is warranted, the Health Director may  
7 serve written notice as follows:

8                   (1)    By personal service to the registrant installer, or

9                   (2)    By certified mail, postage prepaid, return receipt requested to the  
10 registrant's last known business address.

11           (c)    The person making personal service may provide a written declaration under  
12 penalty or perjury identifying the person served and the time, date and manner of service as  
13 proof of service.

14           (d)    The notice shall set forth a time, place and date for said hearing before the Health  
15 Director and shall identify the facts alleged to constitute revocation of the certificate of  
16 registration

17           (e)    The Health Director shall conduct hearings within ten days of the date of notice.

18           (f)    The Health Director may appoint a suitable hearing officer to hear the matter.  
19 Such hearing officer shall make recommendations based on the evidence adduced at the  
20 hearing for the Health Director's final determination of the matter.

21           (g)    The hearing need not be conducted according to the technical rules of evidence  
22 relating to evidence and witnesses. At such hearing, the Health Director and all parties  
23 concerned may:

- 1 (1) Call and examine witnesses on any matter relevant to the issues of the  
2 hearing;
- 3 (2) Introduce documentary and physical evidence;
- 4 (3) Cross-examine opposing witnesses on any matters relevant to the issues  
5 of the hearing; and
- 6 (4) Rebut evidence.

7 The Health Director shall, within ten days after the hearing, render a final written  
8 decision, setting forth his or her findings and conclusions. If a certificate is revoked, holder of  
9 the same shall not apply for a new registration until one year after the date of such revocation.  
10 Decisions of the Health Director are final and may be appealed to the District Court as provided  
11 by state law.

12 Section 10. That Section 24.38.050 of the Lincoln Municipal Code be amended  
13 to read as follows:

14 **24.38.050 Inspections.**

15 It shall be the duty of the holder of a permit issued pursuant to Section 24.38.040 to notify  
16 the Health Officer ~~Director~~ when the installation is ready for inspection. The Health Officer  
17 ~~Director~~ may make inspections during construction to determine compliance with this chapter.  
18 No part of any installation shall be covered until inspected ~~and~~ or given final written approval by  
19 the Health Officer ~~Director~~. ~~If A~~ any part of an installation which has been covered prior to final  
20 approval, ~~shall be uncovered upon order of the Health Officer~~ Director may order it uncovered  
21 or require probing, excavation, or any other reasonable action necessary to assure the system

1 meets requirements of this chapter. Final written approval of the system as constructed, altered,  
2 or repaired shall not be given until all pertinent data required has been submitted.

3 Section 11. That Section 24.38.055 of the Lincoln Municipal Code be amended  
4 to read as follows:

5 **24.38.055 Annual Operating Permit for Non-Standard On-Site Wastewater System.**

6 No person shall operate or utilize an ~~individual sewage disposal~~ non-standard on-site  
7 wastewater system without first obtaining an operating permit for each ~~individual sewage~~  
8 ~~disposal~~ non-standard on-site wastewater treatment system. Applications for the operating  
9 permit shall be submitted to the Health ~~Officer~~ Director on forms furnished by the Health ~~Officer~~  
10 Director and shall include a signed written assurance from the owner that the system is in  
11 proper operating condition, and shall be accompanied with payment of the annual operating fee.  
12 Upon receipt and review of applications submitted in the proper form and with all pertinent  
13 information as determined by the Health Director, and payment of the fee, the Health ~~Officer~~  
14 Director shall cause an operating permit to be issued to the applicant.

15 Section 12. That Section 24.38.060 of the Lincoln Municipal Code be amended  
16 to read as follows:

17 **24.38.060 Cleaner's and Liquid Waste Hauler's Permit.**

18 No person shall engage in the business or the act of cleaning ~~individual sewage disposal~~  
19 on-site wastewater treatment systems or similar waste facilities and community sewage  
20 systems, or hauling and disposing of the waste therefrom without a permit issued by the Health  
21 ~~Officer~~ Director as provided below. In addition, no person shall engage in the business or the  
22 act of hauling or disposing of any liquid waste or waste of a nature that it can be pumped,

1 including industrial wastes and wastewater, industrial wastewater, or special waste, as defined  
2 in Lincoln Municipal Code Section 17.58.010, without a permit issued by the Health Officer  
3 Director. Any permit issued pursuant to this section shall not be transferable, shall be issued  
4 on an annual basis (all such permits expire on May 31 of each year) and shall remain in force  
5 upon payment of the annual fee so long as the registrant complies with the applicable require-  
6 ments of this chapter. Any person may file an application for a permit under this section with  
7 the Health Officer Director in writing upon forms provided for that purpose by the City. The  
8 Health Officer Director shall issue such permit upon the completion and filing of such forms at  
9 the Health Department and upon compliance by the applicant with the terms and conditions of  
10 this section and any other applicable law. Failure of the registrant to comply with all the  
11 applicable requirements of this chapter shall be sufficient grounds for revocation or denial of  
12 such permit by the Health Officer Director. No permit shall be granted to any such applicant  
13 until such applicant shall execute and file with the City Clerk a bond in the sum of \$500.00 with  
14 one or more sufficient sureties thereon to be approved by the City Attorney, which bond  
15 indemnifies and saves harmless the city from any damage or injury due to any act of such  
16 applicant. At all times the permittee shall act in accordance with the following requirements:

17 (a) The name, address and permit number of the permittee shall be legibly lettered  
18 with not less than three-inch high letters on the cab doors on both sides of each vehicle used  
19 for permitted purposes.

20 (b) Every vehicle used in conjunction with the activities for which a permit has been  
21 issued shall be suitably equipped for the safe transport and disposal of the applicable waste.  
22 Tank trucks or vehicles shall be equipped with a completely enclosed watertight tank or body  
23 and be maintained in a clean, well-painted, and sanitary condition and stored, when not in use,

1 in a building provided for that purpose. Sewage wastes shall not be transported in an open-body  
2 vehicle. All tanks on vehicles shall be cleaned immediately following each use.

3 (c) All tanks, pumps, hose lines, containers, and other appurtenances shall be main-  
4 tained and secured at all times so as to prevent rupture, damage, or leakage.

5 (d) The permittee shall obtain approval from the Health ~~Officer~~ Director for every site  
6 at which the permittee plans to dispose of the waste material collected. Such approval may be  
7 in the form of a valid special waste permit. Waste material collected by the permittee shall not  
8 be discharged into ditches, watercourses, lakes, ponds, or at any point where it can pollute any  
9 water supply, recreation area, or where it may create a nuisance or health hazard.

10 Any person authorized by Lancaster County to engage in activities otherwise requiring  
11 a permit under this section shall not be required to obtain a separate permit.

12 Section 13. That Section 24.38.070 of the Lincoln Municipal Code be amended  
13 to read as follows:

14 **24.38.070 Fees.**

15 The following fees for permits are required:

16 (a) ~~Individual sewage~~ On-site wastewater treatment system construction permit fee:

17 Filing fee to be paid at time an application  
18 is filed with the Health Officer

19 <u>Standard System</u> . . . . .	\$200.00
20 <u>Non-standard System</u> . . . . .	<u>\$300.00</u>

21 (b) ~~Individual sewage~~ On-site wastewater treatment system alteration or extension  
22 repair permit fee:

23 ~~Filing fee to be paid at time an application~~  
24 ~~is filed with the Health Officer~~ . . . . . \$100.00

25 (c) ~~Individual sewage~~ Non-standard on-site wastewater treatment system annual  
26 operating permit fee:

27 ~~Filing fee to be paid at time an application~~  
28 ~~is filed with the Health Officer~~ . . . . . \$ 15.00 \$30.00

1 (d) Cleaner's permit fee (annual) . . . . . \$320.00

2 This permit is issued on an annual basis, expires on May  
3 31 of each year, and is renewable on payment of the  
4 annual fee and demonstrated compliance with the require-  
5 ments of this chapter.

6 (e) Any person who secures a master installer or journeyman installer  
7 registration certificate pursuant to this chapter shall pay the following  
8 respective fee:

9 (1) Master Installer . . . . . \$100.00

10 (2) Journeyman Installer . . . . . \$ 15.00

11 (f) Permit Extension Fee . . . . . \$ 50.00

12 (g) Variance Fee . . . . . \$100.00

13 (h) Reinstatement Fee . . . . . \$100.00

14 (i) All fees are payable to the City of Lincoln and shall be credited to the Health Fund.  
15 No fees will be refunded.

16 Section 14. That Section 24.38.080 of the Lincoln Municipal Code be amended to  
17 read as follows:

18 **24.38.080 General Provisions.**

19 (a) Sewage from any building or premises shall be discharged directly into the  
20 community sewerage system when the system is available and within 300 feet from the building  
21 or premises measured along a street, alley, or easement to the encasement of the sewer  
22 system.

23 (b) When the conditions of (a) above do not exist, an ~~individual sewage disposal~~ on-  
24 site wastewater treatment system, except privies and the restricted use of chemical toilets, may  
25 be used.

1 (c) Whenever conditions change and the conditions of (a) above can be met, an  
2 ~~individual sewage disposal~~ on-site wastewater treatment system existing at that time shall be  
3 abandoned and the building or premises served shall discharge its sewage directly into the  
4 community sewage system; such connection to the community sewerage system shall be  
5 accomplished in compliance with the Lincoln Plumbing Ordinance and shall be completed within  
6 six months of the day the community sewage system becomes available.

7 (d) Any person who abandons or discontinues the use of an ~~individual sewage disposal~~  
8 on-site wastewater treatment system shall, within thirty days of the abandonment or discon-  
9 tinuance of use, have the contents of tanks or pits or such systems removed and disposed of  
10 in compliance with Section ~~24.38.060~~ of 17 of the design standards adopted pursuant to this  
11 chapter; the emptied tanks or pits shall be perforated or broken at the floor of the tank or pit and  
12 be filled with clean earth or sand. Any other part of a discontinued system shall be abandoned  
13 in such a manner as not to create a health or safety hazard.

14 Section 15. That Section 24.38.090 of the Lincoln Municipal Code be amended to  
15 read as follows:

16 **24.38.090 Requirements Design Standards.**

17 All ~~individual sewage disposal~~ on-site wastewater treatment systems shall be  
18 constructed, altered, or ~~extended~~ or repaired in conformance with this chapter and the design  
19 standards adopted pursuant to this chapter governing the design standards, operation, and  
20 maintenance of on-site wastewater treatment systems. ~~the requirements of the Health Officer~~  
21 ~~who shall be guided by the following criteria:~~

22 ~~— (a) GENERAL:~~

23 ~~— (1) Installation: Individual sewage disposal systems shall not be approved where~~  
24 ~~a community sewerage system is available.~~

1 ~~————— (2) Design: The design of the individual sewage disposal system shall take into~~  
2 ~~consideration location with respect to wells or other sources of water supply, topography, water~~  
3 ~~table, soil characteristics, area available, and maximum occupancy of the building.~~

4 ~~————— (3) Type of system: The type of system to be installed shall be determined on the~~  
5 ~~basis of location, soil permeability, and ground water conditions, including depth to the water~~  
6 ~~table:~~

7 ~~————— (4) Sewage: The system shall be designed to receive and treat all sewage,~~  
8 ~~including wastes from garbage grinders and automatic washing machines, from the building.~~  
9 ~~Drainage from basement footings or from roofs shall not enter the system. In addition, industrial~~  
10 ~~wastes shall not be discharged into the system when their introduction would interfere with~~  
11 ~~proper operation of the system.~~

12 ~~————— (5) Septic tank effluent: The effluent from the septic tank shall be discharged into~~  
13 ~~either a subsurface disposal field which includes seepage trenches or seepage beds, or one or~~  
14 ~~more seepage pits, or into a combination of both, if found adequate as such and approved by~~  
15 ~~the Health Officer.~~

16 ~~————— (b) LOCATION:~~

17 ~~————— (1) Distances: Table 24.38.090(b) provides for the minimum distances that shall~~  
18 ~~be observed in locating the various components of the disposal system:~~

19 ~~—————~~ **TABLE 24.38.090(b)**

20 ~~—————~~ **Minimum Distances (in feet) Between Components of Sewage Disposal System**  
21 ~~—————~~ **and Adjacent Structures or Property and/or Public Right-of-Way Lines**

<del>Components of Sewage System</del>	<del>Adjacent Structures and Lines</del>				<del>Other Components</del>		
	<del>Well or Suction Line</del>	<del>Pressure Water Line</del>	<del>Stream</del>	<del>Building</del>	<del>Prop. and/or Public ROW Lines</del>	<del>Disposal Field</del>	<del>Seepage Pits</del>
<del>Building Sewer</del>	<del>—50*</del>	<del>—3</del>	<del>—10</del>	<del>—0</del>	<del>—20</del>	<del>—0</del>	<del>—0</del>
<del>Septic Tank</del>	<del>—50</del>	<del>—25</del>	<del>—25</del>	<del>—15</del>	<del>—20</del>	<del>—20</del>	<del>—20</del>
<del>Disposal Field</del>	<del>—100</del>	<del>—30</del>	<del>—50</del>	<del>—30</del>	<del>—20</del>	<del>—20</del>	<del>—20</del>
<del>Seepage Pit</del>	<del>—100</del>	<del>—30</del>	<del>—50</del>	<del>—50</del>	<del>—20</del>	<del>—20</del>	<del>—20</del>

22 ~~—————~~ \* ~~May be as near as ten feet if it cannot be avoided and special material and construction~~  
23 ~~features are employed on sewer from ten to fifty feet from well meeting Health Department~~  
24 ~~requirements.~~  
25

26 ~~————— (c) BUILDING SEWER:~~

27 ~~—————~~ That section of the building sewer extending from five feet from the building  
28 ~~foundation to the septic tank shall be the same size as the building drain and shall have a slope~~  
29 ~~of not less than one-eighth inch per foot. A suitable clean-out shall be provided for each~~  
30 ~~seventy-five feet length, a manhole or clean-out shall be provided at points in change of grade~~  
31 ~~and alignment. Building sewer shall be Schedule 40 or equivalent meeting NSF standards.~~  
32

1 ~~\_\_\_\_\_ (d) SEPTIC TANK.~~

2 ~~\_\_\_\_\_ (1) Capacity:-~~

3 ~~\_\_\_\_\_ (a) Septic tanks for individual dwellings with three or less bedrooms~~  
4 ~~shall have a minimum liquid capacity of 1,000 gallons; for each additional~~  
5 ~~bedroom, 250 gallons of capacity shall be added.~~

6 ~~\_\_\_\_\_ (b) The capacities of septic tanks serving other than individual~~  
7 ~~dwellings will be determined on an individual basis.~~

8 ~~\_\_\_\_\_ (2) Multiple compartment tanks: In tanks having two compartments, the inlet~~  
9 ~~compartment shall have a capacity between one-half and two-thirds of the total tank capacity.~~  
10 ~~Multiple compartment tanks shall have total liquid capacity not less than that required for a~~  
11 ~~single compartment tank. The opening in the baffle between compartments shall be located at~~  
12 ~~approximately forty percent of the liquid depth the below the flow line. If an inverted fitting is~~  
13 ~~used on the inlet compartment side of the baffle, its opening shall be located forty percent of the~~  
14 ~~liquid depth below the flow line. In each case, the total area of the opening provided by the pipe~~  
15 ~~fitting shall be equal to the area of the inlet to the tank.~~

16 ~~\_\_\_\_\_ (3) Construction: Septic tanks shall be constructed of corrosion-resistant~~  
17 ~~materials and be of permanent construction. The cover of the tanks shall be designed for a dead~~  
18 ~~load of not less than 300 pounds per square foot, and if of concrete should be reinforced, and~~  
19 ~~not less than three inches thick.~~

20 ~~\_\_\_\_\_ (4) Manholes: The inlet and outlet of the septic tank shall be provided with at~~  
21 ~~least one manhole. Each compartment in multiple compartmented tanks shall be provided with~~  
22 ~~a manhole. Manholes shall be at least sixteen inches in least dimension except that the manhole~~  
23 ~~directly above the inlet, tee, or baffle designed principally for observation of the septic tank~~  
24 ~~operations may be reduced to six inches, and provided with covers which can be sealed water-~~  
25 ~~tight. Manholes shall be extended to within eight inches of the established grade, and manhole~~  
26 ~~covers coated on the interior with a bitumastic or other protective material.~~

27 ~~\_\_\_\_\_ (5) Inlet and outlet fittings: Where inlet and outlet baffles are used, they shall~~  
28 ~~extend the full width of the tank and be located six to eight inches from the end walls. Such~~  
29 ~~baffles shall extend at least six inches above the flow line, and have a one inch minimum vent~~  
30 ~~space above. Inlet baffles shall extend at least six inches below the flow line and outlet baffles~~  
31 ~~should extend approximately forty percent of the liquid depth below the flow line. Baffles should~~  
32 ~~be constructed of reinforced concrete, or equally durable material, coated with a protective~~  
33 ~~bitumastic or similar compound to minimize corrosion. In lieu of baffles, submerged pipe inlets~~  
34 ~~and outlets may be installed consisting of a sanitary tee of cast iron, or built-in fittings of equal~~  
35 ~~structural stability.~~

36 ~~\_\_\_\_\_ (6) Inlet Invert: The invert of the inlet pipe shall be located at least three inches~~  
37 ~~above the invert of the outlet.~~

38 ~~\_\_\_\_\_ (e) ABSORPTION AREA.~~

39 ~~\_\_\_\_\_ (1) Standard trenches and beds: The absorption area for standard trenches~~  
40 ~~or seepage beds having the minimum depth of filter material shall be not less than shown in~~  
41 ~~Table 24.38.090(e):-~~

**Table 24.38.090(e)**  
**Absorption Area Requirements For Individual Residences (a)**

Percolation rate (time required for water to fall one inch in minutes)	Required absorption area, in sq. ft. per bedroom (b); standard trench (c); seepage beds (c), and seepage pits (d)
1 or less	70
2	85
3	100
4	112
5	125
10	165
15	190
30(e)	250
45(e)	300
60(e)(f)	330

(a) ~~Desirable to provide sufficient additional area for entire new absorption area if needed in the future. Absorption area values provide for garbage grinder and automatic washing machine.~~

(b) ~~In every case, sufficient area should be provided for at least two bedrooms.~~

(c) ~~Absorption area is figured as trench bottom area and includes a statistical allowance for vertical sidewall area approximately equal to the bottom area required.~~

(d) ~~Absorption area for seepage pits is figured as effective sidewall area beneath the inlet.~~

(e) ~~Unsuitable for seepage pits if over thirty.~~

(f) ~~Unsuitable for leaching systems if over sixty.~~

(f) PROCEDURE TO BE FOLLOWED FOR PERCOLATION TEST:

(1) The standard procedure for determining percolation rates, as described in the United States Public Health Service Manual, Number 526, entitled Manual of Septic Tank Practice, with Reprint May, 1963 incorporated by reference as if fully set forth, shall be followed when determining the percolation rate for a proposed absorption field.

Three copies are on file in the office of the City Clerk.

(g) MINIMUM STANDARDS FOR SOIL ABSORPTION SYSTEM CONSTRUCTION:

(1) Construction: The minimum standards for disposal field construction shall be as given in Table 24.38.090(g):

<b>TABLE 24.38.090(g)</b>
---------------------------

**Minimum Standards for Absorption System Construction**

<u>Elements of the Absorption System</u>	<u>Trenches</u>	<u>Seepage Beds</u>
Individual lines maximum length	100 feet	100 feet
Trench or bed bottom, minimum depth (a)	24 inches	24 inches
Trench bottom, minimum width	12 inches	36 inches
Field tile minimum diameter	4 inches	4 inches
Field tile lines, maximum slope	6 inches in 100 feet	Level grade
Trench or bed, minimum separation	6 feet	6 feet
Effective absorption area, minimum—per dwelling unit	See Table 2	See Table 2

(a) Recommended maximum depth of thirty-six inches.

**(h) DISPOSAL TRENCHES AND SEEPAGE BEDS:**

(1) Disposal trenches: Disposal trenches and beds shall be designed and constructed on the basis of the required effective percolation area.

(2) Filter material: The filter material shall cover the tile and extend the full width of the trench or bed and be not less than six inches below the tile and two inches (after settling) above the tile. The filter material may be washed gravel, chipped hard brick or siliceous crushed stone, or washed backrun gravel ranging in size from one-half to two and one-half inches if available. The filter material shall be covered by untreated paper or by a two-inch layer of straw, hay, or similar material as the laying of the tile drain proceeds.

(3) Trench disposal field: The size and minimum spacing requirements for disposal fields shall conform to those given in Table 24.38.090(h). In no instance will approval be given to disposal of sewage or effluent at a depth greater than five feet below ground surface. (See Table 24.38.090(h) below).

(4) Seepage beds: Lines for distributing effluent shall be spaced not greater than six feet apart and not greater than three feet from the bed sidewall. Where more than one seepage bed is used there should be a minimum of six feet of undisturbed earth between adjacent beds which are connected in series.

**(5) Distribution lines:**

(a) Distribution lines shall be constructed of a type of tile laid with open joints, to include perforated clay tile, concrete half-rounds, plastic half-rounds, bituminized fibre pipe or asbestos cement pipe, or similar material. If clay tile, fibre pipe or asbestos pipe are used, sufficient openings for distribution of effluent must be provided at approximately one-fourth inch separation between lengths of material used.

(b) Plastic or concrete half-rounds shall be placed in trenches resting on concrete blocks suitably placed before filter material is added.

(6) Distribution box: A distribution box shall be required for all systems except for the few cases where topography or percolation tests are found to require the need for a more

1 suitable means of effluent distribution. Any changes, if found acceptable with current practices,  
 2 shall be reviewed and approved on an individual basis. In all cases where the septic tank  
 3 effluent is disposed of into more than one seepage line or pit, a distribution box shall be  
 4 provided to equally distribute the effluent to each line or pit. Except in cases where only a single  
 5 line can be accommodated, all absorption systems shall be provided with two or more  
 6 independent lines.

7 **TABLE 24.38.090(h)**

8 **Size and Spacing for Trench Disposal Systems**

Width of trench at bottom (inches)	Recommended depth of trench (inches)	Spacing tile lines (a) center to center (feet)	Effective absorption area per lineal foot of trench (square feet)
18	24-30	6.0	1.5
24	24-30	6.0	2.0
30	24-36	7.6	2.5
36	24-36	9.0	3.0

16 (a) A greater spacing is desirable where available area permits.

17 Section 16. That Section 24.38.110 of the Lincoln Municipal Code be amended

18 to read as follows:

19 **24.38.110 Other Types of Individual Sewage Disposal Non-standard On-site**  
 20 **Wastewater Treatment Systems.**

21 Other types of individual sewage disposal on-site wastewater treatment systems not  
 22 described herein which do not meet the requirements of this chapter or the design standards  
 23 adopted pursuant to this chapter, or which generate over 1,000 gallons per day, shall be  
 24 reviewed and approved or disapproved by the Health Officer Director on a separate basis. Such  
 25 systems must be designed by a Professional Engineer licensed in the State of Nebraska.  
 26 Information describing such other types of sewage dispose on-site wastewater treatment  
 27 systems shall be submitted on an application forms with all information as required in Section

1        24.38.040, and any additional information the Health Director deems necessary to determine  
2        if the on-site wastewater treatment system will treat sewage adequately to protect the public's  
3        health and safety, prevent nuisance conditions, and prevent pollution of air, land and waters of  
4        the state. When additional information is provided or requested, three sets shall be submitted  
5        to the Health Director including stamped and signed drawings. The non-standard on-site  
6        wastewater treatment system shall be constructed according to the Health Director approved  
7        design. The Health Director may require, as a condition of approval, groundwater monitoring  
8        for any on-site wastewater treatment system if there is a significant potential for groundwater  
9        pollution. The Health Director may require, as a condition of approval, an operation and  
10       maintenance manual to insure proper operation of the on-site wastewater treatment system.  
11       The permittee shall operate and maintain his/her on-site wastewater treatment system in  
12       compliance with this chapter and design standards adopted pursuant to this chapter, and Fees  
13       shall be assessed as provided for in Section 24.38.070.

14                    Section 17. That Section 24.38.120 of the Lincoln Municipal Code be amended  
15       to read as follows:

16       **24.38.120    Operation and Maintenance of Individual Sewage Disposal On-site**  
17       **Wastewater Treatment Systems.**

18                    All individual sewage disposal standard and non-standard on-site wastewater treatment  
19       systems shall be operated and maintained so as not to create a nuisance or a health hazard  
20       and not to pollute air, land, or water, including but not limited to the following: the emission of  
21       offensive odors, pollution of water supplies and recreational areas, pollution of groundwater,  
22       surface waters, or waters of the state, affording access to untreated sewage by insects, rodents,  
23       or humans; the unregulated discharge of sewage onto the ground surface. Any person

1 responsible for violation of the conditions described herein shall be subject to the penalties  
2 hereinafter set forth.

3 Section 18. That Section 24.38.130 of the Lincoln Municipal Code be and the  
4 same is hereby repealed.

5 ~~**24.38.130 Appeal.**~~

6 ~~Any person whose application for a permit under this chapter has been denied shall be~~  
7 ~~notified in writing as to the reasons for denial and such person may within ten days after official~~  
8 ~~notification of such action file a written request for a hearing before the Mayor. Such hearing~~  
9 ~~shall be held within ten days after the receipt of the request by the Mayor and upon reasonable~~  
10 ~~notice to the applicant. The Mayor shall affirm, modify, or revoke the denial, or issue the permit~~  
11 ~~on the basis of the evidence presented at the hearing.~~

12 Section 19. That Section 24.38.140 of the Lincoln Municipal Code be amended  
13 to read as follows:

14 **24.38.140 Inspections and Enforcement.**

15 The Health Officer Director is hereby authorized and directed to make such inspections  
16 as are necessary to determine satisfactory compliance with this chapter and the design  
17 standards adopted pursuant to this chapter.

18 Upon presentation of proper credentials issued by the Mayor, the Health Officer Director  
19 may enter at reasonable times any building, structure, or premises in the city or within the three-  
20 mile zone to determine compliance with the requirements of this chapter, and it shall be unlawful  
21 for any owner or occupier of the premises or person in charge of the premises to deny right of  
22 entry to the Health Officer Director to make such inspection.

1           Whenever the Health ~~Officer~~ Director has reasonable grounds for believing that there  
2 has been a violation of this chapter or the design standards adopted pursuant to this chapter,  
3 the Health ~~Officer~~ Director shall give written notice to the person or persons alleged to be in  
4 violation. Such notice shall identify the provision of this chapter alleged to be violated and the  
5 facts alleged to constitute such violation. Should such violation create a nuisance or a health  
6 hazard, the Health Director may cause abatement of such conditions in accord with Lincoln  
7 Municipal Code Chapter 8.26, Nuisances.

8           Section 20. That Section 24.38.150 of the Lincoln Municipal Code be and the  
9 same is hereby repealed.

10 ~~**24.38.150 — Penalty for Violations.**~~

11 ~~—— Any person upon whom a duty is placed by the provisions of this chapter who shall fail,~~  
12 ~~neglect, or refuse to perform such duty or who shall violate any of the provisions of this chapter,~~  
13 ~~shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by~~  
14 ~~imprisonment in the county jail for a period of not to exceed six months or by a fine of not to~~  
15 ~~exceed \$500.00 recoverable with costs, or both. Each day that a violation of this chapter~~  
16 ~~continues shall constitute a separate and distinct offense and shall be punishable as such.~~

17           Section 21. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
18 adding a new section numbered 24.38.160 to read as follows:

19 **24.38.160    Variance**

20           Whenever it has been demonstrated to the Health Director that compliance with this  
21 chapter cannot be effectively and promptly made, the Health Director may grant a variance as  
22 provided in Section 3 of the design standards adopted pursuant to this chapter and after  
23 payment of applicable fees.

1 Section 22. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
2 adding a new section numbered 24.38.170 to read as follows:

3 **24.38.170 Stop Orders**

4 Whenever any on-site wastewater treatment system is being installed, replaced,  
5 extended or repaired contrary to the provisions of this chapter or design standards, the Health  
6 Director shall order the work stopped by notice served on any person or persons engaged in  
7 the doing or causing such work to be done, and any such work shall forthwith stop until the  
8 Health Director has authorized the work to proceed again.

9 Section 23. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
10 adding a new section numbered 24.38.180 to read as follows:

11 **24.38.180 Revocation or Suspension of Permit.**

12 Any permit granted under this chapter shall be subject to revocation or suspension in the  
13 following manner:

14 (a) The Health Director shall notify the property owner as provided in Section  
15 24.38.220.

16 (b) If the Health Director determines that the permit holder is in violation of this  
17 chapter or design standards adopted pursuant to this chapter, the Health Director may revoke  
18 the permit or the Health Director may suspend the permit for an appropriate period of time not  
19 to exceed ninety days.

20 (c) The Health Director shall conduct the hearing in accordance with Section  
21 24.38.190.

22 Section 24. That Chapter 24.38 o the Lincoln Municipal Code be amended by  
23 adding a new section numbered 24.38.190 to read as follows:

1       **24.38.190**    **Enforcement Hearings.**

2           (a)    Unless this chapter provides otherwise, the Health Director shall conduct hearings  
3 allowed or required under this chapter as soon as practicable, but in no event later than:

4                   (1)   Three (3) working days after a request for hearing under Section  
5 24.38.200; or

6                   (2)   Ten (10) working days after any other request.

7           (b)    The Health Director may appoint a suitable hearing officer to hear the matter.  
8 Such hearing officer shall make recommendations based on the evidence adduced at the  
9 hearing for the Health Director's final determination of the matter.

10          (c)    The hearing need not be conducted according to the technical rules relating to  
11 evidence and witnesses. The person requesting the hearing and the Health Director may:

12                   (1)   Call and examine witnesses on any matter relevant to the issues of the  
13 hearing;

14                   (2)   Introduce documentary and physical evidence;

15                   (3)   Cross examine opposing witnesses on any matter relevant to the issues  
16 of the hearing; and

17                   (4)   Rebut evidence.

18          (d)    The Health Director may uphold, reverse, or modify the act or findings prompting  
19 the request or the Health Director may take such other reasonable action as the Health Director  
20 may determine proper related to the request.

21          (e)    The Health Director shall make a final determination within ten (10) days after the  
22 hearing.

1           (f)     The Health Director’s decision shall be final and binding upon the City and upon  
2 the person making the request. The Health Director’s decision may be appealed to the district  
3 court as provided by state law.

4           Section 25. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
5 adding a new section numbered 24.38.200 to read as follows:

6     **24.38.200     Immediate Suspension.**

7           (a)     The Health Director may suspend any permit issued under this chapter if the  
8 Health Director finds that a permit holder, installer, or other person in charge of constructing or  
9 operating an on-site wastewater treatment system is in serious violation of this chapter or permit  
10 conditions approved by the Health Director whereby such violation causes an imminent health  
11 hazard.

12          (b)     The Health Director shall provide the notice required in Section 24.38.220. The  
13 suspension shall be effective immediately upon notice and the period of time shall not exceed  
14 90 days.

15          (c)     It shall be unlawful to operate or cause, permit or allow any permitted operations  
16 under a suspended permit after service upon the permit holder.

17          Section 26. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
18 adding a new section numbered 24.38.210 to read as follows:

19     **24.38.210     Application for Reinstatement After Suspension.**

20          (a)     Any person whose permit has been suspended may apply for reinstatement of  
21 such permit. The application shall include a statement signed by the applicant that the  
22 conditions causing suspension of the permit have been corrected.

1           (b)    The Health Director shall inspect or review the application as for a new permit  
2 except that the Health Director shall make the inspection within three working days after  
3 receiving the application for reinstatement and the applicable fees.

4           (c)    The Health Director shall reissue the permit if the conditions causing suspension  
5 of the permit have been corrected. The permit shall be reinstated upon payment of any  
6 reinstatement fee provided in this chapter.

7           (d)    Actions for reinstatement, hearing, or appeal shall not stay or delay the  
8 suspension provided in this section in any manner.

9                   Section 27. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
10 adding a new section numbered 24.38.220 to read as follows:

11    **24.38.220    Notice; Service.**

12           (a)    The Health Director may serve notice authorized or required by this chapter as  
13 follows:

14                   (1)    By personal service to the permit holder, installer, or other person in  
15 charge of the on-site wastewater treatment system; or

16                   (2)    By certified mail, postage prepaid, return receipt requested to the permit  
17 holder's or permittee's last known address.

18           (b)    The person making personal service may provide a written declaration under  
19 penalty of perjury identifying the person served and the time, date, and manner of service as  
20 proof of service.

21           (c)    If the service is to a person other than the permit holder, the Health Director may  
22 send a copy of the notice to the permit holder by certified mail. The copy is not required as a  
23 part of the notice, and receipt of the copy does not affect the notice.

1           (d)    The notice shall set forth a time, place and date for said hearing before the Health  
2 Director and shall identify the provisions of this chapter, design standard or permit condition  
3 alleged to be violated and the facts alleged to constitute such violation.

4           Section 28. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
5 adding a new section numbered 24.38.230 to read as follows:

6    **24.38.230    Appeal.**

7           (a)    Any person whose application for a permit under this chapter has been denied  
8 shall be notified in writing as to the reasons for denial and such person may within ten working  
9 days after official notification of such action file a written request for a hearing before the Health  
10 Director. Such hearing shall be held within ten working days after the receipt of the request by  
11 the Health Director and upon reasonable notice to the applicant. The Health Director shall  
12 affirm, modify, or revoke the denial, or issue the permit on the basis of the evidence presented  
13 at the hearing.

14          (b)    Any person aggrieved by any final decision of the Health Director in the  
15 administration or enforcement of this chapter may appeal such decision to the district court as  
16 provided by state law.

17          Section 29. That Chapter 24.38 of the Lincoln Municipal Code be amended by  
18 adding a new section numbered 24.38.240 to read as follows:

19    **24.38.240    Penalty.**

20          Any person who is found to have violated any provision of this chapter or any design  
21 standard adopted hereunder shall be subject to a fine of no more than \$500.00, or imprisonment  
22 in the county jail for a period not to exceed six months, or both such fine and imprisonment.  
23 Each day that a violation of this chapter continues is punishable as a separate and distinct

1 offense. In addition to any penalty sought or obtained under this chapter or other applicable law,  
2 the City Attorney may institute injunctive or other appropriate civil proceedings necessary to  
3 obtain compliance or to abate any nuisance resulting from violations of this chapter.

4 Section 30. That Sections 24.38.010, 24.38.020, 24.38.030, 24.38.040,  
5 24.38.050, 24.38.055, 24.38.060, 24.38.070, 24.38.080, 24.38.090, 24.38.110, 24.38.120,  
6 24.38.130, and 24.38.140 of the Lincoln Municipal Code as hitherto existing be and the same  
7 are hereby repealed.

8 Section 31. That this ordinance shall take effect and be in force from and after  
9 its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

<p>Approved this ___ day of _____, 2001:</p> <p>_____</p> <p>_____</p> <p style="text-align: center;"><b>Mayor</b></p>
--