

CHAPTER 3

DEPARTMENTS

ARTICLE 1. MUNICIPAL WATER DEPARTMENT

3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Water Department. 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 Governing Body shall set the rates to be charged for services rendered by ordinance 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 Article. Where no definition is specified, the normal dictionary usage of the work shall apply.

1. 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 dispersing the same in the Municipality.
2. 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 purpose.
3. Service Pipe. The term "service pipe" is hereby defined to be any pipe extending from the supply pipe to the location on the premise where the water is to be dispersed.
4. Supply Pipe. The term "supply pipe" is hereby defined to be any pipe extending from the main to a point at or near the lot line of the consumer's premise where the shutoff, stop box or curb cock is located.
5. Deemed Available. This term shall mean any water main which passes through the premises or through a street, alley or easement adjacent to or abutting such premises.

3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION. Every person or persons desiring a supply of water must make application therefor to the Clerk. The Clerk shall require each applicant to pay a tap fee which shall be the actual cost of the material and labor involved in tapping the water main. The fee is to be paid prior to turning on the water to the premises. Water shall not be supplied to any house or private service pipe except upon the order of the Municipal Clerk. (Ref. 17-537, 19-2701 RS Neb.)

3-104 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, alley or easement in which a commercial main now is or may hereafter be laid. The rules, regulations and water rates hereinafter named in this Article and on file in the office of the Municipal Clerk 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 Governing Body may hereafter adopt, the Utilities Superintendent or his or her 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 or agent. (Ref. 17-537 RS Neb.)

3-105 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. Upon approval of the customer's application, the Utilities Superintendent shall determine the most feasible location for tapping the main. The Utilities Superintendent shall install the water line from the municipal main to a shut-off valve located on the Village's Utility Right of Way. The customer shall be responsible for the installation of the water service from the shut-off valve to the residence. The installation of the water service to the residence shall be done only by a licensed plumber. (Ref. 17-537 RS Neb.)

3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing water service from the municipal main to the premises served shall be paid by the customer. The necessary expenses incurred by the Utilities Superintendent when installing the water service, including but not limited to, pipe, trenching, corporation cock, service clamp, and labor are the responsibility of the customer. (Ref. 17-542 RS Neb.)

3-107 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS. The Governing Body has the power and authority to fix by resolution the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall collect all money received by the municipality on the account of the Water Department. (Ref. 17-538, 17-541 RS Neb.)

3-108 MUNICIPAL WATER DEPARTMENT; WATER PERMITS. Upon observation by the Utilities Superintendent or upon filing of complaint by any citizen in the Municipality, any customer of the Water Department using excessive amounts of water without first obtaining a permit shall be issued a notice to appear before the Governing Body to show cause why he should not be required to apply for a heavy user permit and pay additional water fees. If said customer does not appear before the Governing Body or does not satisfactorily show that his or her water use is not excessive, he shall be billed an additional fee set by the Governing Body and, if the customer fails to pay said additional fee, he shall have his or her water service disconnected. (Ref. 17-542, 70-1601 through 70-1615 RS Neb.)

3-109 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable monthly at the office of the Municipal Clerk. The Water Commissioner shall direct the Village Clerk to charge and collect from each customer the amount of the monthly water bill, established by the Board of Trustees, along with any other charges, properly itemized, due the water Department.

Bills shall be mailed on the first (1st) day of each month following consumption and shall be payable by the fifteenth (15th) day of each month. Bills not paid by the fifteenth (15th) of each month shall be deemed to be delinquent, as herein defined the Village Clerk shall give a written notice to the customers of such delinquency and shall demand payment immediately. In the event the bill is not paid within fifteen (15) days after sending the said notice it shall be the duty of the Commissioner to cut off service, provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the Village clerk to notify the customer and the Nebraska Department of Social Services by certified mail of the proposed termination. In the event the water is shut off for nonpayment of any water bill, the Water Commissioner shall assess an additional charge of Fifty (50) dollars to restore water service to the delinquent customer.

3-110 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 or supplied; and such taxes, rents or rates shall be paid and collected and such lien upon approval by the Governing Body shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Ref. 17-538 RS Neb.)

3-111 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families or allow them to take water from his or her 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 will cause the meter to register inaccurately. (Ref. 17-537 RS Neb.)

3-112 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. In the event of said water shortage, the Governing Body or the Utilities Superintendent shall notify the customers of the Water Department by posting in three (3) prominent places throughout the Municipality notice of said shortage and the restrictions imposed. In the event that any person abuses his or her privileges of use of the water system by continued and excessive use to such an extent as to endanger the health and welfare of the residents of the Municipality, the Governing Body or Utilities Superintendent shall notify said customer by personal service or by posting the customer's premises and if said excessive use is not abated within twelve (12) hours after said notification, the Utilities Superintendent shall disconnect the said water service and shall not

reconnect the water service until the customer shall pay to the Municipal Treasurer a reconnection fee, as established by the governing body.

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.)

3-113 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 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.

3-114 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.)

3-115 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOKUP; PROHIBITED HOOK-UP. All persons living where water is deemed available shall be required, upon notice by the Governing Board to hook-up with the municipal water system unless otherwise given special approval for exemption by the Governing Body; provided that, no person shall be allowed to hook-up a heat exchanger, heat pump, cooling devise or other mechanical devise with the Municipal Water Systems. (Ref. 17-539 RS Neb.)

3-116 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Utilities Superintendent is otherwise advised in such circumstances. (Ref. 17-537 RS Neb.)

3-117 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS. It shall be the duty of the County Sheriff's Department to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

3-118 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. (Ref. 17-537 RS Neb.)

3-119 MUNICIPAL WATER DEPARTMENT; COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Utilities Superintendent or Municipal Clerk may appear before the Governing Body and present his or her grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest in which event, the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest". Such consumer may then present his or her verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in this same manner as other claims against the Municipality as set forth in Section 1- 815.

3-120 MUNICIPAL WATER DEPARTMENT; SERVICE TO NONRESIDENTS. The Municipality shall not supply water service to any person outside the corporate limits without special permission from the Governing Body; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. All mains, service pipe and supply lines shall meet the standards set by the Governing Body in regard to size of lines, material used and workmanship and further be subject to inspection by the Utility Superintendent prior to being backfilled. Nothing herein shall be construed to obligate the Municipality to provide water service to nonresidents. (Ref. 19-2701 RS Neb.)

3-121 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Utilities Superintendent or his or her 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.)

3-122 MUNICIPAL WATER DEPARTMENT; REPAIRS. Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department shall be made by the Municipality. (Ref. 17-542 RS Neb.)

3-123 MUNICIPAL WATER DEPARTMENT; PROHIBITION OF LEAD PIPES, SOLDER AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free. Lead free shall mean (a) when used with respect to solders and flux containing not more than two- tenths percent (.2%) lead and (b) when used with respect to pipe and pipe fittings shall mean pipe and pipe fittings containing not more than eight percent (8%) lead. (Ref. 71- 5301 RS Neb.)

3-124 MUNICIPAL WATER DEPARTMENT; PRIVATE WELL(S); PROHIBITED. It shall be unlawful for any person, firm, partnership, corporation or school district to establish or cause to be established any water well for the purpose of extracting water or injecting water within the corporate limits of the Municipality provided, such wells shall be permitted use in operating water to air heat pumps or heat exchangers.

3-125 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL; GENERAL POLICY.

A. Purpose: The purpose of this ordinance is:

1. To protect the public potable water supply of the Municipal water system from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation or control of existing cross connections, actual or potential between the public or consumer's potable water systems and nonpotable water systems, plumbing fixtures and industrial-process systems.

3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application: This ordinance shall apply to all premises served by the public potable water system of the Municipality.

C. Policy: This ordinance will be reasonably interpreted. It is the Municipality's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The Municipal Water Department and Governing Body shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within the consumer's own premises.

If, in their judgment of their authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, thirty (30) days' notice shall be given to the consumer. The failure, refusal or inability on the part of the consumer to provide requested protection within thirty (30) days shall make the consumer subject to discontinuance of water service at the discretion of the Municipal Water Department according to the degree of hazard without further notice. (Ref. 17-537 RS Neb.)

3-126 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL; DEFINITIONS.

A. The following definitions shall apply in interpretation and enforcement of this ordinance.

1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle.

2. "Auxiliary water supply" means any water source or system, other than the public water supply, that may be available in the building or premises.

3. "Backflow" means the flow other than the intended direction of flow or any foreign liquids, gases or substances into the distribution system of a public water supply.

4. "Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system provided backflow preventers have been tested and approved by a reputable testing laboratory.

5. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

6. "Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility or as an installation within equipment handling potentially hazardous materials.

7. "Contamination" means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

8. "Cross connection" means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

9. "Hazard, Degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. Hazard-Health - any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

b. Hazard-Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.

c. Hazard-Pollutional - an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.

d. Hazard-System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

10. "Industrial Process System" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into a potable water supply.

11. "Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance or system.

12. "Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

13. "Public Potable Water System" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

14. "Service Connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

15. "Water Department" means the owner, operator or individual in responsible charge of a public water system.

3-127 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS PROHIBITED.

A. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Municipal Water Department and as required by the laws and regulations of the Nebraska Department of Health.

B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Municipal Water Department and the Nebraska Department of Health.

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable

plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety.

3-128 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; SURVEY AND INVESTIGATIONS.

A. The consumer shall provide access to the premises at reasonable times to the Municipal Water Department or his or her authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

B. On request by the Municipal Water Department or his or her authorized representative, the consumer shall furnish information on water use practices within his or her premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his or her premises to determine whether there are actual or potential cross connections to his or her water system through which contaminants or pollutants could backflow into the public potable water system.

3-129 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; TYPE OF PROTECTION REQUIRED

A. The type of protection required by this ordinance shall depend on the degree of hazard which exists as follows:

1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

2. An approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.

3. An approved air gap separation or an approved reduced pressure principal backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

3-130 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION; WHERE PROTECTION IS REQUIRED.

A. An approved backflow prevention device shall be installed in the service connection line to a consumer's water system or within any premises where in the judgment of the Municipal Water Department or the Nebraska Department of Health actual or potential hazards to the public potable

water system exists. The type and degree of protection required shall be commensurate with the degree of hazard.

B. An approved air gap separation or reduced pressure principal backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal Water Department or the Nebraska Department of Health, the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection device is required to be installed. This includes but is not limited to the following situations:

1. Premises having an auxiliary water supply unless the quality of the auxiliary supply is acceptable to the Municipal Water Department and the Nebraska Department of Health.
2. Premises having internal cross connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist.
4. Premises that although not covered by code are subject to frequent modification which would change their status or premises that have had backflow code violations.
5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
6. Premises where materials of a toxic or hazardous nature are handled such that, if back siphonage or back pressure should occur, a serious health hazard may result.

C. The following types of facilities must install or have in operation any approved air gap separation, atmospheric vacuum breaker or reduced pressure principal backflow prevention device as required by the Municipal Water Department and the Nebraska Department of Health to protect the public water supply and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Municipal Water Department and the Nebraska Department of Health.

1. Auxiliary Water Systems
2. Beverage Bottling Plants
3. Canaries, Packing Houses and Reduction Plants
4. Car Washing Facilities
5. Chemical Manufacturing, Processing, Compounding or Treatment Plants
 - a. Chemically Contaminated Water Systems

- b. Dairies and Cold Storage Plants
- c. Film Laboratories
- 6. Fire Protection Systems
- 7. Hazardous Waste Storage and Disposal
- 8. Hospital, Mortuaries, Clinics
- 9. Sprinkler Systems and Hose Connections Injecting Directly, Materials of a Toxic or Hazardous Nature
- 10. Laundries and Dye Works
- 11. Metal Manufacturing, Cleaning, Processing and Fabricating Plants
- 12. Oil and Gas Production, Storage or Transmission Properties
- 13. Plating Plants
- 14. Printing and Publishing Facilities
- 15. Research and Analytical Laboratories
- 16. Sewage and Storm Drainage Facilities – Pumping Stations
- 17. Zoological and Horticultural Gardens
- 18 All Cemetery Sprinkler Systems
- 19. Pet Grooming and Veterinarian Hospitals
- 20. Class A, B & C Swimming Pools
- 21. Cooling Coil Service Lines (Refrigeration, Air Conditioning, etc.)
- 22. All Hot Water and Steam Boiler Heating Systems
- 23. All stockyards and sale barns

3-131 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES.

A. Any backflow prevention device required by this ordinance shall be of a model or construction approved by the Municipal Water Department and the Nebraska Department of Health.

1. Air gap separation to be approved shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel but in no case less than one (1) inch.

2. A double check valve assembly or a reduced pressure principal backflow prevention device shall be approved by the Municipal Water Department and shall appear on the current “list of approved backflow prevention devices” established by the Water Department.

B. Existing backflow prevention devices approved by the Municipal Water Department at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the Municipal Water Department is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or, when the Water Department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this ordinance.

3-132 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION; BACKFLOW PREVENTION DEVICES; INSTALLATION.

A. Backflow prevention devices required by this ordinance shall be installed at a location and in a manner approved by the Municipal Water Department and shall be installed at the expense of the water consumer.

B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter as close to the meter as is reasonable practical and prior to any other connection.

C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing and where no part of the device will be submerged or subject to flooding by any fluid.

D. Backflow prevention devices for underground sprinklers that have an opening to the atmosphere shall be located at least twelve (12) inches above the highest ground served by the sprinkler system.

3-133 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION; BACKFLOW PREVENTION DEVICES; INSPECTION AND MAINTENANCE.

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this ordinance are installed to have inspections, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.

1. Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.

2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed.

3. Reduced pressure principal backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed.

B. Overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Nebraska Certified Backflow Prevention Device Tester.

C. Backflow prevention devices designed with testing cocks shall be inspected and tested every three (3) years and those tests performed by the Municipal Water Department will be at the expense of the Water Department. Tests performed by others shall be at the expense of the consumer.

D. Whenever backflow prevention devices required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

E. The water consumer must maintain a complete record of each backflow prevention device that has test cocks from purchase to retirement. Records of inspections, test, repairs and overhauls performed by others shall be submitted to the Municipal Water Department annually.

F. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Municipal Water Department.

3-134 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES; VIOLATIONS.

A. The Municipal Water Department shall have the right to deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:

B. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the Municipal Water Department;

1. It is found that the backflow prevention device has been removed or by-passed;
2. An unprotected cross-connection exists on the premises;
4. A low pressure cut-off required by this article is not installed and maintained in working order;
5. The Municipal Water Department is denied entry to determine compliance with these regulations.
6. The Municipal Water Department shall immediately deny or discontinue, without notice to the consumer thereof, the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The Municipal Water Department shall notify the consumer within twenty-four (24) hours of said denial or discontinuation of service.
7. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Municipal Water Department.

3-135 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES; LIABILITY CLAIMS.

Employees of the Municipal Water Department shall be relieved from personal liability when acting in good faith and without malice, for any damage that may occur to any person or property as a result of any act required or authorized by the regulations affecting Municipal Water Department; Cross Connections; Backflow Prevention Devices, or by any act or omission of the Employee of the Municipal Water Department in the discharge of his duties hereunder. Any suit brought carrying out the provisions of these

regulations shall be defended by the Municipality, or by the Municipality's insurance carrier, if any, through final determination of such proceedings.

3-136 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELL PERMIT. It shall be unlawful for any person or persons to dig, drill or construct a well within the corporate limits of the Municipality without first having obtained a permit therefor from the Governing Body. The applications for private well permits shall be obtained from the Municipal Clerk and shall set forth:

- a. Location of proposed well in conjunction with sewers. No well shall be located within twenty-five (25) feet of any sewer line, private or public. No well shall be located within fifty (50) feet of any septic tank or within one hundred (100) feet of any disposal field or within 3,000 feet of existing municipal wells.
- b. Location of proposed well in conjunction with water lines. No well shall be located within twenty-five (25) feet of any water line public or private.
- c. Intended use of water. No water from the private well shall be used for domestic purposes.
- d. Depth of proposed well.
- e. Size and type of casing to be installed.
- f. Pumping equipment to be used.
- g. Name and address of well driller.

Such application shall be accompanied with an application fee of Fifty Dollars (\$50.00) which shall cover the inspections, no part of which is refunded if the application is denied. Application shall be good until April 30 following payment of such fee, after which such permit is renewable.

Closed loop heating pump systems are not considered wells for the purposes of this section provided holes are not drilled to the water table.

3-137 MUNICIPAL WATER DEPARTMENT; PLUMBING; TEMPORARY WELL

PERMIT. The Municipality may grant a temporary well permit when an emergency is determined to exist for purposes other than lawn and garden irrigation. In granting said permit, the Municipality may establish conditions under which said well is operated, including the purposes therefore, its location, the period of time during which such well shall be operated, conditions for the closing and capping of such well and such safety requirements as the Governing Body may provide and such other conditions as may protect the health and welfare of the Municipality. The application for a temporary well permit shall give the same information as required for a regular well permit and shall be accompanied with an application fee of Fifty Dollars (\$50.00), no part of which shall be refunded if the application is denied.

3-138 MUNICIPAL WATER DEPARTMENT; PLUMBING; ABANDONED WELLS. All abandoned wells shall be properly abandoned, closed up or destroyed in accordance with the "Minimum Standards for a Private Water Well in Nebraska". Whenever the Utilities Superintendent shall find a well which has been improperly abandoned and discontinued for use, it shall be his duty to notify or inform the owner of the property on which such well is located, in writing, that such well must be abandoned in accordance with this ordinance within three (3) days of the time of service of such notice. Upon failure of the owner of the property upon which said well is located, to comply with such order, the Utilities Superintendent shall fill up, destroy or abandon such well, assessing the cost and expenses to the property and the property owner upon which such well is located.

3-139 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS; CROSS

CONNECTIONS PROHIBITED. No cross connections shall be allowed from a private well to or from the municipal water system. The Utilities Superintendent shall inspect the owner's premises at least once each year to determine that no cross connection exists. It shall be the duty of the owner or occupant of the property to give the Utilities Superintendent access to the property at reasonable times for the purpose of making such inspection. If the Utilities Superintendent is denied entry to make said inspection, a judicial order for entry into and onto the property shall be obtained. If the Utilities Superintendent finds that a cross connection exists, then he or she shall order the use of the private well to be permanently discontinued. The owner, tenant and lessee shall be liable severally and jointly for all damages to the municipal water system and users of the municipal water system caused by such cross connection.

3-140 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS; REVIEW AND

RENEWAL OF PERMITS. Permits for private wells shall be reviewed annually by the Governing Body not later than the last day of April of each year. The records of the Utilities Superintendent with respect to said wells shall be reviewed before approval is given for renewal of the well permits. An annual fee of twenty dollars (\$20.00) shall be paid for such renewal. This fee covers the cost of permit records and the inspection for cross connections. It shall be the duty of the property owner, after receipt of renewal notice, to notify the Utilities Superintendent of a date and time when an inspection of his well and a check for cross connections can be made. Inspections shall be made prior to April Thirty (30) of that year. Failure to renew the well permit shall be considered as abandonment of said well and abandoning procedures shall be followed.

3-141 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS;

SPECIFICATIONS; DISCONTINUANCE BY MUNICIPAL GOVERNING BODY.

The Municipality shall have the power and authority to refuse to issue well drilling permits if it appears that the plan of drilling and construction is not sound, or the proposed driller does not have proper equipment, or if it appears that such well may endanger, impair or in any way interfere with the public water system of the Municipality.

3-142 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS; NEBRASKA

MINIMUM STANDARDS ADOPTED. The "Minimum Standards For a Private Water Well in Nebraska", 1972 Edition, are hereby adopted and such minimum standards, including all subsequent editions, amendments, supplements or appendices thereto are made a part of this

ordinance as fully as if set forth at length herein. A copy of said Minimum Standards shall be placed on file with the Municipal Clerk, and any and all subsequent additions, amendments or supplements or appendices thereto shall be placed on file with the Municipal Clerk.

3-143 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS; SIGN. All spigots or other connections to or from a private well shall have a sign thereon stating that the water is not safe for drinking, and said sign shall be continually maintained visibly upon said private well.

3-144 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS;

DISCONTINUANCE; CANCELLATION OF PERMIT. The Governing Body may order the discontinuance of the use of a private well or wells where it has reason and cause to believe that the public health is endangered, and for that purpose may revoke and cancel any well permit or renewal of such permit after notice and hearing. Such permit or renewal thereof may be revoked and cancelled by the Municipality upon violation of any of the terms and provisions of this ordinance by the permittee or his successor in the interest to the property upon which such well is located or its occupants, in and to any private well after notice and hearing.

3-145 MUNICIPAL WATER DEPARTMENT; PLUMBING; WELLS; CONSENT BY

PERMITTEE, ETC. The granting of a well permit or the renewal thereof to a permittee or its successors in interest shall constitute consent and shall grant consent by the permittee or any tenant thereon to and for the Utilities Superintendent of the Municipality or his agents or employees to enter upon the premises upon which the well is located in order to take any action required by the Utilities Superintendent by this ordinance and to determine whether or not there is any violation of the ordinance by said well or the use thereof.

3-146 MUNICIPAL WATER DEPARTMENT; PLUMBING CODE. To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating, the latest edition of the National Plumbing Code, published by the American Society of Mechanical Engineers, and printed in book or pamphlet form is hereby incorporated by reference in addition to all later editions and revisions thereof, as thought printed in full herein, in so far as said code does not conflict with the statutes of the State Of Nebraska. One copy of the plumbing code shall be on file at the office of the municipal clerk and shall be available for public inspection during normal office hours. The provision of the plumbing code shall be controlling throughout the municipalities and through it's zoning jurisdiction.

3-147 MUNICIPAL WATER DEPARTMENT; WELLHEAD PROTECTION AREA.

Wellhead Protection Area means the surface and sub surface area surrounding a water well or well field, supplying public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field. The Wellhead Protection Area is designated for the purpose of protection the public water system. The boundaries of the Wellhead Protection Area a legally described as follows; "Beginning at the north east corner of the SE1/4NE ¼ of Section 2, Township 12N, Range 27 West of the 6th P.M., Lincoln County, Nebraska, thence South to the SE corner of Section 11, Township 12N, Range 27 West of the 6th P.M.; thence West to the South West corner of said Section 11; thence North to the North West corner of the SW1/4NW1/4 of Section

2, Township 12N, Range 27 West of the 6th P.M., Lincoln, County Nebraska; thence East to the point of beginning.” The Wellhead Protection Area includes the S ½ NE1/4 and the S1/2 NW1/4 of and also the S1/2 of Section 2, Township 12 North, Range 27 West of the 6th P.M., Lincoln County, Nebraska, and all of Section 11, Township 12 North, Range 27 West of the 6th P.M., Lincoln County, Nebraska. The boundaries of the Wellhead Protection Area are set forth on a map which is available for review in the office of the Village Clerk.

3-147 MUNICIPAL WATER DEPARTMENT: PROBATION OF ENCROACHMENT.

1. Every well, infiltration line or spring serving or intended to provide water for a public water supply system insofar as possible, should be located, constructed or modified in such a manner that neither underground or surface contamination by any biological, chemical or radioactive substance or the physical property of any substance from any cesspool, privy, septic tank, sup-surface tile system, sewer, drain, pit below ground surface, abandoned well, animal or avian wastes or any other possible source of pollution can adversely affect such water supply. The minimum recommended horizontal distance in feet separating the well or spring from potential sources of contamination should be as described below. The department will consider location of wells and springs at closer proximity than minimum distance below. Approval of such location will be given when circumstances require such locations and when in the opinion of Director, the engineer demonstrates that such location will not constitute a pollution hazard to the supply,

2, The minimum recommended horizontal distance in fee separating wells and springs from potential contamination shall be as follows:

Category	Feet
Non-Potable water well	1,000
Sewage lagoon	1,000
Absorption or Disposal Field for Waste	500
Feedlot or feedlot runoff	1,000
Corral	1,000
Chemical or Petroleum product storage	500
Septic Tank	500
Sewage treatment plant	500
Sewage wet well	500
Sanitary sewer connection	100
Sanitary sewer manhole	100
Sanitary sewer line	50
Sanitary sewer line (permanently water tight)	100

3, The following are hereby prohibited within the Wellhead Protection Area: Cesspool, dump, pit toilet, sanitary landfill

4. The reference for the distances and prohibitions set forth herein is Title 179, Chapter 2, Attachment 1. These distances shall be kept current with the above mentioned Title 179.

5. When surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water from such supplies, the distance separating these potential sources of contamination and well or spring should be greater than that listed in the above schedule.

6. Test holes will be required for all proposed well sites.

7. An annular space shall be grouted to a minimum depth of 10 feet below the ground surface. Grouting to greater depths will be required when warranted by the method of construction or is necessary, in the judgement of the Director to prevent contamination of the well or spring.

8. The following information must be submitted with the plans and specifications or as addendum thereto:

a. Test hole driller's logs and reports.

b. All sieve analysis and calculations used in gravel pack and screen design. This information shall be submitted prior to the placement of the screen and gravel pack.