

CHAPTER 7 – PUBLIC UTILITIES

ARTICLE 1 – UTILITIES GENERALLY

- SECTION 7-101: CITY POWERS; RATE SETTING**
- SECTION 7-102: MANDATORY USE OF CITY SERVICES**
- SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT AND OTHER FEES**
- SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE**
- SECTION 7-105: METERS**
- SECTION 7-106: BILLING AND COLLECTIONS; DELINQUENCY**
- SECTION 7-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE**
- SECTION 7-108: LIEN**
- SECTION 7-109: NEW SUBDIVISIONS AND HOUSING DEVELOPMENTS**
- SECTION 7-110: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE**
- SECTION 7-111: DIVERSION OF SERVICES; PENALTY**

ARTICLE 2 – WATER DEPARTMENT

- SECTION 7-201: OPERATION AND FUNDING**
- SECTION 7-202: DEFINITIONS**
- SECTION 7-203: MANDATORY HOOKUP; PRIVATE WELLS PROHIBITED**
- SECTION 7-204: SERVICE TO NON-RESIDENTS**
- SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX**
- SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE**
- SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE**
- SECTION 7-208: REPAIRS AND MAINTENANCE**
- SECTION 7-209: PLUMBER'S LIABILITY**
- SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE**
- SECTION 7-211: WATER RATES**
- SECTION 7-212: BILLING AND COLLECTIONS**
- SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION**
- SECTION 7-214: DESTRUCTION OF PROPERTY**
- SECTION 7-215: FIRE HYDRANTS**
- SECTION 7-216: BACKFLOW PREVENTION; STATEMENT OF INTENT**
- SECTION 7-217: BACKFLOW PREVENTION; DEFINITIONS**
- SECTION 7-218: BACKFLOW PREVENTION; CROSS-CONNECTIONS PROHIBITED**
- SECTION 7-219: BACKFLOW PREVENTION; SURVEY AND INVESTIGATIONS**
- SECTION 7-220: BACKFLOW PREVENTION; WHERE PROTECTION IS REQUIRED**

SECTION 7-221: BACKFLOW PREVENTION; TYPE OF PROTECTION REQUIRED
SECTION 7-222: BACKFLOW PREVENTION; BACKFLOW PREVENTION DEVICES
SECTION 7-223: BACKFLOW PREVENTION; INSTALLATION
SECTION 7-224: BACKFLOW PREVENTION; INSPECTION; TESTING; MAINTENANCE
SECTION 7-225: BACKFLOW PREVENTION; THERMAL EXPANSION
SECTION 7-226: BACKFLOW PREVENTION; TANKS/TANKER TRUCKS
SECTION 7-227: BACKFLOW PREVENTION; AUTHORIZED REPRESENTATIVE; AUTHORITY
SECTION 7-228: BACKFLOW PREVENTION; APPEALS
SECTION 7-229: BACKFLOW PREVENTION; VIOLATION; PENALTIES
SECTION 7-230: BACKFLOW PREVENTION; LIABILITY CLAIMS
SECTION 7-231: RESTRICTED USE
SECTION 7-232: ABANDONING WATER LINE
SECTION 7-233: POLLUTION
SECTION 7-234: WELLHEAD PROTECTION AREA

ARTICLE 3 – WASTEWATER DEPARTMENT

SECTION 7-301: OPERATION AND FUNDING
SECTION 7-302: DEFINITIONS
SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; SUMP PUMPS; PROHIBITED FACILITIES
SECTION 7-304: MANDATORY HOOKUP
SECTION 7-305: SERVICE TO NON-RESIDENTS
SECTION 7-306: INSTALLATION EXPENSE; TAP FEE
SECTION 7-307: REPAIRS AND MAINTENANCE
SECTION 7-308: PLUMBER'S LIABILITY
SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS
SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS
SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION
SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE
SECTION 7-313: WASTEWATER RATES
SECTION 7-314: BILLING AND COLLECTIONS
SECTION 7-315: MANHOLES
SECTION 7-316: DESTRUCTION OF PROPERTY
SECTION 7-317: RIGHT OF ENTRY FOR INSPECTION

ARTICLE 4 – ELECTRIC DEPARTMENT

SECTION 7-401: OWNERSHIP

- SECTION 7-402: SERVICE TO NON-RESIDENTS**
- SECTION 7-403: REGISTERED ELECTRICIAN**
- SECTION 7-404: ELECTRIC RATES**
- SECTION 7-405: BILLING AND COLLECTIONS**
- SECTION 7-406: SERVICE CONDITIONS**
- SECTION 7-407: TRIMMING TREES**
- SECTION 7-408: RIGHT OF ENTRY FOR INSPECTIONS**
- SECTION 7-409: DESTRUCTION OF PROPERTY**
- SECTION 7-410: POSTING SIGNS**

ARTICLE 5 – SOLID WASTE

- SECTION 7-501: DEFINITIONS**
- SECTION 7-502: GARBAGE; TRASH; WASTE**
- SECTION 7-503: COLLECTORS; LICENSE; FEE**
- SECTION 7-504: DEBRIS ON STREETS; VIOLATION; FINE**

ARTICLE 6 – PENAL PROVISION

- SECTION 7-601: VIOLATION; PENALTY**

CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: CITY POWERS; RATE SETTING

A. The city currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution system. The city has the right and power to tax assets and collect from its residents payment for use of the water supplied to them by the water system, for use of the sewer system, and for use of the electricity supplied to them by the electric system. The City Council is authorized to establish by ordinance such rates for water, sewer, and electric service as may be deemed fair and reasonable. The council, for the purpose of rental fees, may classify the customers of the Wastewater Department; provided, such classifications shall be reasonable and shall not discriminate unlawfully against any consumer or group of consumers.

B. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be on file in the office of the city clerk for public inspection.

(Neb. Rev. Stat. §§17-538, 17-542, 17-925.02)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the city shall be required to subscribe to city utility services, which shall include electricity that may be supplied by a non-municipal power company. Said residents shall be subject to the assessment and payment of charges for such utility services, as set from time to time by the City Council.

SECTION 7-103: CONSUMER'S APPLICATION; SERVICE DEPOSIT AND OTHER FEES

A. Every person desiring water, sewer, and electricity service must make application therefor to the city clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the appropriate utility supervisor.

B. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.

(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the city and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the utility systems by a new consumer thereof and the furnishing of water, sewer and electric service to said consumer shall constitute a contract between the consumer and the city, 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 City Council may hereafter adopt, the appropriate utility supervisor may cut off or disconnect the utility services from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said supervisor.

C. Contracts for utility services 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 sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the city clerk, who shall cause the utility service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utilities monthly until the city is otherwise advised of such circumstances. (Neb. Rev. Stat. §17-537)

SECTION 7-105: METERS

A. All water and electrical meters shall be read at least once per month during which water and electrical service is used.

B. With the installation of the Energy Axis Management System, meters can be read electronically and billed immediately. Therefore, to reduce the lapse of time between the reading date and the billing due date—all meters will be read approximately the 19th of every month. Bills will be mailed approximately the 25th of the month and shall be due between the first and the tenth of the following month.

C. In the event a meter is broken or otherwise fails to register accurately the use of water or electricity by any consumer, the six-month average of the season one year previous to such breakage shall be used for billing purposes. (Neb. Rev. Stat. §§19-1404) (Ord. No. 1142, 3/9/11)

SECTION 7-106: BILLING AND COLLECTIONS; DELINQUENCY

The bill for utilities delivered to a subscriber shall be due and payable on the first business day of the month. If the bill is not paid before 5:00 p.m. on the 10th day of the month, it shall be considered delinquent. When the 10th day falls on Saturday or Sun-

day, bills become delinquent at 5:00 p.m. on the following Monday. The city shall have the right to terminate service of any non-domestic subscriber at any time after said subscriber has a delinquent bill. (Neb. Rev. Stat. §§17-538, 17-542)

SECTION 7-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE

A. When a domestic subscriber has a bill that has become delinquent, the city shall, before service is disconnected, give the subscriber written notice by first class mail that the bill is delinquent and that service may be disconnected if payment is not received by a specified date. The city may also personally deliver the disconnect notice with an additional delivery fee being assessed as set by resolution of the City Council. Delinquent/disconnect notices will be mailed after 5:00 p.m. on the tenth of the month or on the day the bill actually becomes delinquent. As per Neb. Rev. Stat. §70-1605, the service shall not be discontinued for at least seven working days after issuance of such notice. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. As to any subscriber who has previously been identified to the utility as a recipient of assistance from the Nebraska Department of Health and Human Services (NDHHS), such notice shall be by certified mail and notice of such proposed termination shall be given to NDHHS.

B. The notice shall contain the following information:

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

cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five days of receiving notice under this section and will prevent the disconnection of the department's services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;

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

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

D. This section shall not apply to any disconnections or interruptions of services made necessary by the city for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §§70-1603 through 70-1610)

SECTION 7-108: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the city for utilities service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the city clerk on June 1 of each year to report to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01, 18-503)

SECTION 7-109: NEW SUBDIVISIONS AND HOUSING DEVELOPMENTS

To defray the costs and expenses of utility installation/upgrades as may be authorized by law, the City Council shall have the power and authority to require that all developers petitioning the city for utility installation/upgrades shall pay the following expenses:

A. The developer(s) is responsible for 100% of all costs associated with the development of new water, sewer, and electric lines installed inside the plat line and connecting subdivision(s).

B. The developer(s) is responsible for 100% of all costs associated with the installation of new water and sewer mains and electrical facilities installed inside the plat line and connecting subdivisions.

C. The developer(s) is responsible for 100% of all costs associated with the services provided by the selected engineer.

D. Before final plat approval is granted by the City Council, the developer(s) shall have completed or paid their full share of the project costs.

E. The arrangement, character, extent, size, and location of all utilities within all subdivisions and housing developments shall conform to the standards of the Comprehensive Plan of current adoption and the zoning ordinances of the city. All required improvements and installations should be constructed or installed to conform to the provisions of this ordinance and the standard specifications of the city.

F. All developers wishing to locate new subdivisions or who have existing subdivisions and housing developments located within the city limits and within the city's zoning jurisdiction are required to obtain and use an engineer that is approved by the city.

SECTION 7-110: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying gas or water, without the knowledge and consent of the supplier of such products, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, gas, or water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

B. If water meters are not in use in the city, any person who connects any pipe or conduit supplying water without the knowledge and consent of the supplier of such

product in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without the knowledge and consent of the supplier, and any person who knowingly uses or knowingly permits the use of water obtained unlawfully pursuant to this section, shall be deemed guilty of an offense.

C. Any person who reconnects electrical, gas, or water service without the knowledge and consent of the supplier of such service if the service has been disconnected pursuant to Neb. Rev. Stat. §§70-1601 to 70-1615 or Section 7-106 of this code shall be deemed guilty of an offense.

D. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity, electric current, gas, or water passing through it without the knowledge and consent of the supplier of the electricity, electric current, gas, or water passing or intended to pass through such meter shall be deemed guilty of an offense.

E. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie* evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. Rev. Stat. §§25-21,275 through 25-21, 278, 28-515.02)

SECTION 7-111: DIVERSION OF SERVICES; PENALTY

A. The city may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when such act results in damages to a city utility. The city may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

B. In any civil action brought pursuant to this section, the city shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the city may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any

premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §§25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The city owns and operates the Water Department through the water supervisor. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the 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 city treasurer.

B. The water supervisor shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The supervisor shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the mayor and City Council. The council 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 city clerk for public inspection during office hours.

(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

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

"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 city.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building, or structure used for a separate business.

"Service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

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

SECTION 7-203: MANDATORY HOOKUP; PRIVATE WELLS PROHIBITED

A. The city through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main

shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. The city may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid with permission from the mayor and City Council; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each building hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

D. Private wells within the city limits are hereby prohibited.
(Neb. Rev. Stat. §17-532)

SECTION 7-204: SERVICE TO NON-RESIDENTS

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the mayor and City Council; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the city to provide water service to non-residents. (Neb. Rev. Stat. §§17-537, 19-2701)

SECTION 7-205: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders, or flux used in the installation or repair of any residential or non-residential building which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean (A) solders and flux, not more than .2% lead and (B) pipe and pipe fittings, not more than .25% lead. (Neb. Rev. Stat. §71-5301)

SECTION 7-206: WATER METERS REQUIRED; LAWFUL USE

All municipal water use shall be metered as provided in this article. Municipal water shall not be utilized to irrigate crops or other agricultural products; provided, watering of gardens and lawns with municipal water shall be allowed.

SECTION 7-207: INSTALLATION; EXPENSE; TAP FEE

The customer, upon approval of his or her application for a new service line, shall pay

the city clerk a water tap fee according to a schedule of such fees to be adopted by resolution of the City Council. Said fee shall be paid prior to the connection of the private water line of the customer to the water main. The water supervisor shall direct the customer to hire a registered and bonded plumber to install the private service line. The customer shall then be required to pay the expense of procuring the materials required as well as the services of the registered and bonded plumber and shall pay all other costs of installation. The customer shall pay the cost of the installation of the stop box and meter and the cost of said stop box. In the event that the city should do any of the installation, including but limited to tapping the main, running of lines from the main to the curb stop, and/or installing the curb stop, the customer shall be required to reimburse the city for the cost of any work the city shall accomplish. (Neb. Rev. Stat. §17-542)

SECTION 7-208: REPAIRS AND MAINTENANCE

The city shall repair or replace, as the case may be, all commercial mains. The customer, at his or her own expense, shall replace and keep in repair all service and supply pipes from the commercial main to the place of dispersal. When leaks occur in service or supply pipes, the water supervisor shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the water supervisor. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe, so that the same shall not pass through said meter or while passing through said meter, to cause the same to register inaccurately. (Neb. Rev. Stat. §17-537)

SECTION 7-209: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the water supervisor and shall be at all times subject to the inspection and approval of the supervisor. Plumbers who connect with the public water system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the water supervisor. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-210: INSTALLATION OR REPAIR PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the water supervisor shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

C. All installations or repairs of pipes require an inspection by the water supervisor. The inspection shall be made when connections or repairs are complete and before the pipes are covered. It is the customer's responsibility to notify the water supervisor at the time the work is ready for inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the supervisor; provided, the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. (Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-211: WATER RATES

All water consumers shall be liable for the rate provided by ordinance unless and until a consumer shall, by written order, direct the water supervisor to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again. (Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-212: BILLING AND COLLECTIONS

The utility office staff shall bill the consumers, collect all money received by the city on the account of the Water Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-106 and 7-107. (Neb. Rev. Stat. §17-540)

SECTION 7-213: RIGHT OF ENTRY FOR INSPECTION

The water supervisor or his duly authorized agent shall have free access at any reasonable time to all parts of each premises 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. (Neb. Rev. Stat. §17-537)

SECTION 7-214: 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 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 water supervisor.

SECTION 7-215: 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 (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees 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.

SECTION 7-216: BACKFLOW PREVENTION; STATEMENT OF INTENT

A. The purpose of the backflow regulations is to protect the public potable water supply of the city 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 consumer's plumbing or service connection into the public potable water supply system.

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

C. These backflow regulations shall apply to all premises served by the public potable water supply system of the city and will be reasonably interpreted. It is the city'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.

D. These regulations provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the public potable water supply system.

E. 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 consumer's own premises.

F. The consumer is responsible for backsiphoned material or contamination and/or pollution through backflow and, if contamination or pollution of the city's potable water supply/system occurs through an illegal cross-connection and/or an improperly installed, maintained or repaired device or a device that has been bypassed, he shall be liable for all associated costs of clean-up required for the public potable water supply/system.

SECTION 7-217: BACKFLOW PREVENTION; DEFINITIONS

Definitions shall be as follows:

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

B. "Approved certified tester" means a person qualified to make inspections; to test and repair backflow prevention/ cross-connection control devices; and who is ap-

proved by the city and certified by the Nebraska Department of Health and Human Services (NDHHS).

C. "Authorized representative" means any person designated by the city to administer this cross-connection control ordinance.

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

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

F. "Backsiphonage" means the flowing back of water or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the distribution system.

G. "Backflow prevention device" means any device, method, or type of construction approved by NDHHS intended to prevent backflow/backsiphonage into the public water supply system.

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

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

J. "Contamination" means an impairment of the quality of 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, contamination, may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.

K. "Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals or substances whereby there may be backflow from the second system to the public water supply system. No physical cross-connection shall be permitted between a public water supply system and an auxiliary water supply system.

L. "Degree of hazard" means an evaluation of the potential risk to public health and the adverse effects of the hazard upon the potable water system of the city.

1. Health - any condition, device, or practice in the public water supply sys-

tem and its operation which could create or may create a danger to the health and well-being of the water consumer.

2. 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.
3. Pollution - an actual or potential threat to the physical properties of the water system or to 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.
4. 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.

M. "Isolation" means protection of a facility water service line by installing a cross-connection control/backflow prevention device or air gap separation on an individual fixture, appurtenance, or system.

N. "Pollution" means the presence in water 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.

O. "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 NDHHS.

P. "Service connection" means the terminal end of a service line from the public water system. If a meter or type of shut off valve is installed at the end of the service line, then the service connection means the downstream end of the meter or valve.

Q. "Water Department" means the municipal Water Department of the City of David City.

SECTION 7-218: BACKFLOW PREVENTION; 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 water supply system may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the city or its authorized representative.

B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

C. No connection to a service line or supply line shall be made prior to the terminal end of the service line unless such connection is protected by an approved backflow device unless such connection is approved by the city or its authorized representative.

D. 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 plumbing practices considered acceptable by the Water Department, its authorized representative, or NDHHS as necessary for the protection of health and safety.

SECTION 7-219: BACKFLOW PREVENTION; SURVEY AND INVESTIGATIONS

A. The consumer's premises shall be open at all reasonable times to the city or its authorized representative, for the conduction of surveys and investigations of water practices within the consumer's premises to determine whether there are actual or potential cross-connections in the consumer's water system.

B. On request by the city or its authorized representative, the consumer shall complete periodic surveys of water use and plumbing practices on the premises of the consumer's water system to determine whether there are actual or potential cross-connections. The consumer shall provide the survey results to the city or its authorized representative.

SECTION 7-220: BACKFLOW PREVENTION; WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the city or its authorized representative a health, plumbing, pollution or system hazard exists. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.

B. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgement of the city or its authorized representative 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 the health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed.

C. This 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 city or its authorized representative and NDHHS.
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 the cross-connections do not exist.
4. Premises having a repeated history of cross-connections being established or re-established.
5. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any contamination causing substance is handled under pressure so as to permit entry into the public water supply system, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
7. Premises where toxic or hazardous materials are handled.

D. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the city or its authorized representative or NDHHS to protect the public water supply and 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 city or its authorized representative and NDHHS:

1. Agricultural chemical facilities.
2. Auxiliary water systems, wells.
3. Premises having water recirculating systems as used for boilers or cooling systems.
4. Bulk water loading facilities.
5. Car washes, automobile service facilities.
6. Chill water systems.
7. Feedlots.
8. Fire protection systems.
9. Hazardous waste storage and disposal sites.
10. Irrigation and lawn sprinkler systems.
11. Laundries and dry cleaning facilities.
12. Petroleum processing or storage plants.

13. Beauty salons.
14. Schools.
15. Sewage pumping stations and wastewater treatment plants.
16. Other commercial or industrial facilities which may constitute potential cross-connections.
17. Hospitals, mortuaries, clinics, or others as discovered by surveys.

SECTION 7-221: BACKFLOW PREVENTION; TYPE OF PROTECTION REQUIRED

The type of protection required by these regulations shall depend on the degree of hazard which exists, as follows:

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

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

C. An approved air gap separation, reduced pressure principal backflow prevention device (RPZ), double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, or frost-free vacuum breaker shall be installed where the public potable water system or consumer water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

SECTION 7-222: BACKFLOW PREVENTION; BACKFLOW PREVENTION DEVICES

A. Any backflow prevention device required by these regulations shall be a model or construction approved by the city or its authorized representative and NDHHS. The following devices are recognized for cross-connection control and backflow prevention by NDHHS and are published as part of these regulations.

1. *Air gap separation* to be approved shall be at least twice the diameter of the water supply pipe, measured vertically above the top rim of the vessel but in no case less than 1 inch. Whenever practical, this is the control method of choice.
2. *Reduced pressure principle backflow preventer* to be approved contains two specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shutoff valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss of 10 psi or more. Must be tested and

inspected annually and repaired as necessary.

3. *Double check valve assembly* contains two soft-seated independently acting check valves in series. Shutoff valves before and after the device. Adequate for nontoxic applications only. Minor pressure loss must be inspected and tested annually and repaired as necessary.
4. *Pressure vacuum breaker* may be used as protection against non-pressure connection to a vessel containing contaminants where the vacuum breaker is not subject to backpressure. Unit may be used under continuous supply pressure, tested and inspected annually and repaired as necessary. Must be installed a minimum of 12 inches above the highest usage point or outlet. Can operate under constant pressure, and shutoff valve can be located beyond the vacuum breaker.
5. *Atmospheric vacuum breaker* may be used only on non-pressure connection to a non-potable water system where the vacuum breaker is never subjected to backpressure. Not for use under constant pressure, and shutoff valve must be located ahead of vacuum breaker. Must be installed a minimum of 6 inches above the highest point of usage or outlet. Must be inspected and repaired or replaced as necessary.
6. *Hose vacuum breaker* may be used on sill-cock and similar valves with threaded outlets where any type of hose might be attached. Must be inspected and repaired or replaced as necessary.

B. All backflow prevention devices approved by the city shall appear on the current list of approved backflow prevention devices established by NDHHS, unless the device was installed at the time these regulations were passed and complies with required inspection and maintenance.

SECTION 7-223: BACKFLOW PREVENTION; INSTALLATION

A. Backflow prevention devices required herein shall be installed at a location and in a manner approved by the city or its authorized representative. All devices shall be installed at the expense of the consumer, unless the city or its authorized representative agrees otherwise.

B. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or the shutoff valve as close to the meter or shutoff valve as is reasonably practical, and prior to any other connection.

C. Backflow prevention devices shall be conveniently 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. All devices shall be installed according

to manufacturer's recommendations.

SECTION 7-224: BACKFLOW PREVENTION; INSPECTION; TESTING; MAINTENANCE

A. Backflow/backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the city or its authorized representative. Actual testing shall be done by an approved certified tester, and the testing shall be at the expense of the consumer, unless the city or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the city.

B. The consumer's premises shall be open at all reasonable times to the city, its authorized representative, or a certified tester for the purpose of inspection, testing, or maintenance. If entry is required into the premises, the city's authorized representative or approved certified tester shall give consumer notice setting forth a proposed date and time. If the consumer cannot make the premises accessible on that date and time, the consumer shall contact the city's authorized representative or certified tester to arrange another date and time.

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

D. The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all test, inspections, and repairs. All records of inspections, tests, and repairs shall be provided within 30 days to the city or its authorized representative.

E. All backflow prevention devices shall have a tag showing the date of installation, last inspection, test, or other maintenance.

SECTION 7-225: BACKFLOW PREVENTION; THERMAL EXPANSION

When water is heated and stored in a consumer's water system, or a branch of the system, that has been closed by the installation of a backflow prevention device or any other checking device, an auxiliary relief valve, or expansion chamber, shall be installed to limit thermal expansion of the water being heated to not more than 80 psi static (no-flow) pressure at any fixture on the system.

SECTION 7-226: BACKFLOW PREVENTION; TANKS/TANKER TRUCKS

Any water being introduced into a vessel, tank, tanker truck, etc., from any connection to the public potable water system must be through an approved backflow prevention device. The most effective and economical method is by an approved air gap separation between the water inlet and overflow level of the vessel or tank. At no time shall a

hose, either handheld or otherwise immersed in a vessel or tank, be an acceptable method for this type of application.

SECTION 7-227: BACKFLOW PREVENTION; AUTHORIZED REPRESENTATIVE; AUTHORITY

The authorized representative shall have the authority to issue any order consistent with the provisions of these regulations in order to protect the public health and safety. Any order of the authorized representative shall state the nature of the order, compliance requirements, and a reasonable date by which compliance must be met.

SECTION 7-228: BACKFLOW PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of these backflow regulations have been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premise make it unreasonably difficult to meet the literal requirements prescribed by these regulations, the owner may file a written notice of appeal with the city clerk within ten days after the decision or order of the authorized representative has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal.

SECTION 7-229: BACKFLOW PREVENTION; VIOLATION; PENALTIES

The city or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by these regulations is not installed, tested, and maintained in a manner acceptable to the city or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists. Water service to such premises shall not be restored until the consumer is in compliance with these regulations to the satisfaction of the city or its authorized representative.

SECTION 7-230: BACKFLOW PREVENTION; LIABILITY CLAIMS

The authorized representative shall be relieved from personal liability. The city shall hold harmless the authorized representative when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of an act or omission of the authorized representative in the discharge of his or her duties hereunder. Any suit brought carrying out the provisions of the title shall be defended by the city, or its insurance carrier, if any, through final determination of such proceeding.

SECTION 7-231: RESTRICTED USE

The mayor and council or the water supervisor may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire, drought, or other good and sufficient cause. The city 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 city has no control. (Neb. Rev. Stat. §17-537)

SECTION 7-232: ABANDONING WATER LINE

Anyone demolishing or removing a house or disconnecting the water service to an abandoned or uninhabited house shall be responsible for the abandonment of the existing water line, which shall include properly capping the service line off at the corporation on the main and allowing the water supervisor to inspect for proper procedures.

SECTION 7-233: 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 Water Department. (Neb. Rev. Stat. §17-536)

SECTION 7-234: WELLHEAD PROTECTION AREA

A. The David City Wellhead Protection area shall include the entire area within the one-mile jurisdictional zoning map for the city.

B. The city adopts the Wellhead Protection Area which has been approved by the Nebraska Department of Environmental Quality; the same is incorporated herein by reference as if fully set forth.

C. Words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application. Definitions set forth in the city’s General Plan shall be applied in the event of any ambiguity or uncertainty in the interpretation of the rules and regulations established by this ordinance.

D. It shall be unlawful for any person other than the city to place, install, construct or replace any of the following structures or conduct any of the following activities or any activity which shall be designated by the Planning Commission as a potential threat to the water supply within the Wellhead Protection Area, except as may be provided by permit herein, to wit:

<i>Activity or Structure</i>	
Absorption or disposal field for waste	Not allowed
Cesspool	Not allowed
Dump	Not allowed
Sanitary landfill	Not allowed

Sewage lagoon	Not allowed
Sewage treatment plant	Not allowed
Sewage wet well	Not allowed
Feedlot	Restricted by subsections (F) & (G)
Pit toilet	
Chemical or petroleum product storage	
Septic tank and septic drain field	
Sanitary sewer connection	
Sanitary sewer manhole	
Sanitary sewer line	
Water well, non-potable	

E. The placing, installing, construction or replacing of any allowed structure or activity as set forth in (D) above, hereafter termed “wellhead structure or activity,” within the Wellhead Protection Area, shall not be permitted after the effective date of this ordinance unless a permit approved by the Planning Commission has been obtained. The owner of any wellhead structure or activity shall have the burden of establishing the existence and use of said wellhead structure or activity at the time of the effective date of this ordinance.

F. No permit shall be issued by the Planning Commission within the following setback distances from any city municipal water well:

Absorption or disposal field for waste	Not allowed
Sanitary landfill/dump	Not allowed
Sewage lagoon	Not allowed
Sewage treatment plant	Not allowed
Sewage wet well	Not allowed
Feedlot or feedlot runoff	5,000 feet
Septic tank exceeding 1,000 G.P.D.	5,000 feet
Water well, non-potable	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Chemical or petroleum product storage	500 feet
Fertilizer or pesticide storage	500 feet
Commercial lawn and garden compost	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Ord. No. 925, 4/9/03 and Nebraska DHHS, 4/4/10)

Any activity described in subsection (F) located within the defined setback distance shall be considered *prima facie* a hazard to the quality of the municipal water supply.

G. For purposes of this ordinance, a livestock confinement operation, as de-

fined by Title 130 of the regulations of the Nebraska Department of Environmental Quality, shall be restricted to a maximum of 300 animal units and shall comply with zoning regulations and ordinances of the city. Livestock confinement operations fewer than 300 animal units are exempt from the NDEQ permit process for a livestock waste control facility pursuant to Title 130, Chapter 2. In the event conditions at the livestock facility at any time indicate there is a high potential for waste discharge which may threaten the municipal water supply or groundwater, as determined by NDEQ, the Planning Commission permit for the operation shall be subject to revocation, unless the owner of the operation can provide evidence to the Planning Commission that the threat has been eliminated.

H. Any wellhead structure or activity not prohibited by subsections (D) and (F) shall be allowed, subject to a determination of the Planning Commission that such activity does not constitute a hazard or threat to the quality of the municipal water supply or ground water and upon issuance of a permit.

I. The Planning Commission shall be responsible for implementation and enforcement of the rules and regulations established by this section and shall consider all applications filed pursuant hereto. All applications shall be approved or rejected by roll call vote. The zoning administrator shall be charged with administration of the rules and regulations.

J. Prior to placing, installing, constructing, expanding or replacing any wellhead structure or activity, the owner of the real estate upon which the structure or activity is proposed shall file with the Planning Commission an application for a wellhead activity permit. Said application shall be on a form furnished by the city and shall include supporting information indicating why approval would not adversely impact the municipal water supply and ground water. The application shall be submitted to the Planning Commission for review. Prior to acting upon the application, the commission may seek an engineering report, recommendations of the Natural Resources District (NRD), the NDEQ or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply. A permit shall be issued only after the Planning Commission determines that the structure or activity is unlikely to contaminate or pollute the municipal water supply and ground water. Replacement or repair of existing properly registered agricultural irrigation wells, when done in an expedited or emergency status process by the NRD, shall be exempt from the Planning Commission's permit process and must meet all requirements of the NRD and the setback distance requirements of subsection (F).

K. Wellhead structures or activities in existence and use in the Wellhead Protection Area as of the effective date of this ordinance shall continue to be permitted unless such continued existence or use, in the opinion of the Planning Commission, presents a hazard to the municipal water supply or ground water. If the commission determines that an existing wellhead structure or activity presents a hazard, it shall authorize the zoning administrator to notify the owner of the structure or activity to cease and desist said structure or activity. If the owner of the structure or activity de-

sires to continue its operation, the owner may make application for a permit pursuant to this section. If the owner does not cease and desist pursuant to this ordinance, the zoning administrator may proceed pursuant to subsection (L) of this section against said owner of the structure or activity.

L. Any person found guilty by a court of law of violating any provision of this section shall be subjected to a fine not to exceed \$500.00. The continuation of a violation of this ordinance shall be deemed an additional offense for every 24 hours of such continued violation. In addition, the city may obtain injunctive relief and sue for damages and remediation and pursue other remedy available under laws of the State of Nebraska or other authority having jurisdiction over such matters.

(Ord. No. 925, 4/9/03)

Article 3 – Wastewater Department

SECTION 7-301: OPERATION AND FUNDING

A. The city owns and operates the wastewater system through the wastewater supervisor. The mayor and City Council, for the purpose of defraying the cost of the management and maintenance of the wastewater system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the wastewater maintenance fund.

B. The wastewater supervisor shall have the direct management and control of the Wastewater Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the mayor and City Council. The said council 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 city clerk for public inspection during office hours.

(Neb. Rev. Stat. §17-925.01)

SECTION 7-302: DEFINITIONS

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

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"Public sewer" shall mean a sewer that is controlled by public authority.

"Sanitary sewer" shall mean a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Wastewater supervisor" shall mean the superintendent of the city sewage system or his authorized deputy, agent or representative.

"Wastewater system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 7-303: UNLAWFUL DEPOSITS AND DISCHARGES; SUMP PUMPS; PROHIBITED FACILITIES

A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any unsanitary manner on public or private property within the city, within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city.

B. It shall be unlawful to discharge to any natural outlet within the city, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other similar facility intended or used for the disposal of sewage. Septic tanks are prohibited within the city.

D. Storm water and all other unpolluted drainage including surface water, sub-surface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the wastewater supervisor. Storm sewers may be tapped to insert sump pump discharge pipe from foundation drains or floor drains upon the following requirements being met by the applicant:

1. Applicant shall contact the wastewater supervisor, in writing, to determine the location of the storm sewer.
2. The hole cut into the storm sewer pipe shall be not larger than 1" in diam-

eter larger than the pipe to be installed. The storm sewer shall be tapped as close as possible to the top of the storm sewer pipe.

3. The discharge pipe shall be Schedule 40 PVC at the point of connection and across public property.
4. The discharge pipe shall be grouted in place and the storm sewer and discharge pipe shall be left uncovered until inspection by the wastewater supervisor.
5. All cuts across public road shall require an excavation permit to be obtained by applicant.
6. Pipes across and under public roads shall have a minimum of 1' of dirt and soil cover on the top of the pipe.
7. The discharge pump shall be equipped with a check valve or backflow preventer.

E. Industrial cooling water or unpolluted process water may be discharged, on approval of the wastewater supervisor, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary wastewater system shall be held responsible for reimbursing the city for such costs, which shall be as determined by the wastewater supervisor. It shall further be unlawful to connect or maintain connected to the sanitary wastewater system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

F. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city wastewater system. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

G. In addition to the other remedies that are provided by this chapter for violations of this code, the city shall have the right to secure the abatement of any connection or discharging violation of this section.

SECTION 7-304: MANDATORY HOOKUP

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the city is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within 10 days after date of official notice to do so, provided that said public sewer is within 200 feet of the property

line.

B. The city may furnish wastewater service to persons within its corporate limits whose property line is not within 200 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the city to provide wastewater service to persons whose property line is not within 200 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the wastewater system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the city, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of wastewater bills as provided herein.

(Neb. Rev. Stat. §§17-149.01, 18-503) (Am. Ord. No. 758, 11/12/92)

SECTION 7-305: SERVICE TO NON-RESIDENTS

Any person whose premises are located outside the corporate limits of the city who desires to erect a house or building that will be connected with the city wastewater system shall file a written application with the city clerk for a permit for such connection. Such application shall set forth the name of the owner, occupant, or lessee of the premises, the use to which the premises are devoted, and such other information as the City Council may require. The entire cost of pipe and other installation charges shall be paid by such consumer. (Neb. Rev. Stat. §§17-149, 19-2701)

SECTION 7-306: INSTALLATION EXPENSE; TAP FEE

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The customer, upon approval of his or her application for wastewater service, shall pay a tap fee to the city, as provided in Section 7-103, which compensates the city for the expense of processing the application and tapping the sewer main. Said fee shall be paid prior to the connection to the sanitary sewer line to the sewer main. The wastewater supervisor in his discretion may direct the customer to hire a licensed and bonded plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required and shall pay all other costs of installation. (Neb. Rev. Stat. §18-503)

SECTION 7-307: REPAIRS AND MAINTENANCE

A. The Wastewater Department may require the owner of any property which is

connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the wastewater supervisor, provided the same have been previously approved by the City Council.

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the wastewater supervisor shall complete the work and charge the cost of such repairs or replacement to the customer.

(Neb. Rev. Stat. §18-1748) (Am. Ord. No. 623, 12/12/84)

SECTION 7-308: PLUMBER'S LIABILITY

All work by plumbers shall be done in the manner required by the wastewater supervisor and shall be at all times subject to the inspection and approval of the supervisor. Plumbers who connect with the public wastewater system shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the wastewater supervisor. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work. (Neb. Rev. Stat. §17-537)

SECTION 7-309: INSTALLATION OR REPAIR; PROCEDURE, MATERIALS

A. All installation or repair of any part of the wastewater system shall be done under the supervision of the wastewater supervisor and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council.

B. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

C. After the sewer is laid, the public ways and property shall be restored to good condition. If the excavation is left open or unfinished for a period of 24 hours or more, the wastewater supervisor shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property.

D. All installations or repairs of pipes require an inspection by the wastewater supervisor. The inspection shall be made when connections or repairs are complete and before the pipes are covered. It is the customer's responsibility to notify the wastewater supervisor at the time the work is ready for inspection.

E. Water, wastewater and electric service lines shall each have a separate trench. Water and wastewater service lines shall be buried at least 4 feet deep. There shall be a minimum of #12 tracer/detection wire placed above all plastic water and wastewater service lines installed. There shall be at least 6 horizontal feet separating utility trenches.

F. All installation or repair of any part of the wastewater system shall be done under the supervision of the utilities superintendent and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for wastewater system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines.

(Neb. Rev. Stat. §18-503) (Ord. No. 805, 1/11/95)

SECTION 7-310: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the wastewater supervisor, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the supervisor shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 7-311: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 7-312: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building

sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the wastewater supervisor for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-313: WASTEWATER RATES

Customers of the Wastewater Department shall not be charged a flat rate for the use of wastewater service. Rates shall be set by ordinance and kept on file at the office of the city clerk for public inspection during office hours. (Neb. Rev. Stat. §18-509) (Ord. No. 1164, 12/14/11)

SECTION 7-314: BILLING AND COLLECTIONS

The utility office staff shall bill the consumers, collect all money received by the city on the account of the Wastewater Department, and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-106 and 7-107. (Neb. Rev. Stat. §17-540)

SECTION 7-315: MANHOLES

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

SECTION 7-316: DESTRUCTION OF PROPERTY

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7-317: RIGHT OF ENTRY FOR INSPECTION

The wastewater supervisor or his authorized agents shall have free access at any reasonable time to all parts of each premises and building which is connected with the wastewater system to ascertain whether there is any disrepair or violations of this article therein.

Article 4 – Electric Department

SECTION 7-401: OWNERSHIP

A. The city owns and operates the electric system through the electric supervisor. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the electric system may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the electrical fund and shall remain in the custody of the city treasurer.

B. The electric supervisor shall have the direct management and control of the electric system and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system subject to the supervision and review of the City Council. The council shall set by ordinance the rates to be charged for services rendered and shall file the same in the office of the city clerk for public inspection at any reasonable time. (Neb. Rev. Stat. §§17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: SERVICE TO NON-RESIDENTS

The electric system shall not supply service to any person outside corporate limits without permission from the City Council; provided, the entire cost of wire, installation and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the city to supply electrical service to non-residents. (Neb. Rev. Stat. §§17-902, 19-2701)

SECTION 7-403: REGISTERED ELECTRICIAN

Under no circumstances shall connections be made between the wires of the electric distribution system of the city and the meter of the consumer except by an employee of the city or a registered and bonded electrician authorized to do so by the electric supervisor. The consumer may have wiring done by any competent registered and bonded electrician from the meter to the points of distribution. All wiring, equipment and apparatus shall be installed according to the electrical code duly adopted by the city in Section 9-403. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the electric supervisor and zoning administrator; provided, such rules, regulations and specifications have been reviewed and approved by the City Council. (Neb. Rev. Stat. §17-902)

SECTION 7-404: ELECTRIC RATES

All electrical consumers shall be liable for the rate provided by ordinance unless and until the consumer shall, by written order, direct the electric supervisor to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service

until the electricity is turned on again. (Neb. Rev. Stat. §17-902)

SECTION 7-405: BILLING AND COLLECTIONS

The utility office staff shall bill consumers and collect all money received by the city on account of the electrical system and faithfully account for and pay to the city treasurer all revenue collected. Billing, collection and termination procedures are set forth in Sections 7-106 and 7-107. (Neb. Rev. Stat. §§17-902, 17-540) (Ord. No. 1163, 12/14/11)

SECTION 7-406: SERVICE CONDITIONS

The electrical system does not guarantee the delivery of electric current over the lines of the distribution system except when it has the sufficient power, current, equipment and machinery to do so. The electric supervisor has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The city shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages which may result from interruption of service due to causes over which the city has no control. The city expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902)

SECTION 7-407: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the electric supervisor and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing trees or branches to disrupt or damage the lines without first giving proper notice and receiving written permission from the electric supervisor to do so. Whenever it becomes necessary to protect the lines or property of the electric system, the electric supervisor shall have the power to order the cutting and removal of any overhanging branches or limbs of trees so that the lines will be free and safe.

SECTION 7-408: RIGHT OF ENTRY FOR INSPECTIONS

The electric supervisor or his duly authorized agents shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time.

SECTION 7-409: 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 electric system.

SECTION 7-410: POSTING SIGNS

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the electric system any sign, poster, advertisement or banner without written permission from the electric supervisor.

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

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

A. "Garbage" shall mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

B. "Rubbish" or "trash" shall mean discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the city.

C. "Waste" shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

SECTION 7-502: GARBAGE; TRASH; WASTE

A. It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the city decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the city unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly air-tight as may be practical. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover or a durable plastic container that is securely tied at its opening. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by a city law enforcement officer.

B. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind.

SECTION 7-503: COLLECTORS; LICENSE; FEE

A. It shall be unlawful for any persons, corporations or other legal entities to collect, haul or convey wastes, refuse, garbage, rubbish, junk, hazardous waste, or solid waste, as those terms are defined under the laws of the State of Nebraska, for hire within the incorporated area of the city without first having procured a license to do so.

B. Application for a license to collect, haul or convey wastes, refuse, garbage, rubbish, junk, hazardous waste or solid waste for hire shall be made to the city clerk upon a form furnished by the clerk. Such application shall set forth the name and resi-

dence of the applicant; the business address of the applicant; the ownership of the vehicle or vehicles to be used; the number and kinds of vehicles to be used, with a definite description of each such vehicle; and such other information as may be required to satisfactorily identify the applicant and vehicles. The applicant shall pay to the city clerk the required licensed fee as hereinafter provided. Such applicant shall comply with all ordinances or regulations of the city and state respecting the collecting, hauling or conveying of wastes, refuse, garbage, rubbish, junk, hazardous waste or solid waste.

C. It shall be unlawful for any persons, corporations, or other legal entities licensed under this section or any other persons to haul or convey any solid waste generated within the corporate limits of the city to any facility or with which the city, either alone or in combination with other cities, villages or counties, has not contracted for the safe and sanitary disposal of solid waste generated within the city's jurisdiction area.

D. All persons, corporations, or other legal entities licensed under this section may provide, in addition to services regarding the collection, hauling, and conveying of solid waste, assistance in providing services for curbside pickup of recyclable materials, yard waste, and discarded appliances.

E. All persons, corporations, or legal entities licensed under this section shall cooperate with their customers within the city in finding outside sources for the collection, hauling, conveying and disposal of hazardous waste generated within the corporate limits of the city.

F. An annual license fee shall be charged for each licensed hauler within the city. All license fees shall be due and payable on October 1 each year and shall expire on September 30 each year. Such fee shall be as set by resolution of the City Council and kept on file in the office of the city clerk.

SECTION 7-504: DEBRIS ON STREETS; VIOLATION; FINE

It shall be unlawful for any person to drop or cause to be left upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris, grass, grass clippings or waste. It is hereby the duty of the designated city law enforcement officers to investigate and document any violation of this section and make a report of such violation to the council. Upon receipt of such violation notice, the city clerk shall fine the responsible party in an amount set by resolution of the City Council and kept on file in the office of the city clerk. For the purposes of this section, "person" shall include the owner of the property from which the grass cuttings originate, the person legally entitled to occupy the premises, and/or any person who caused the grass cuttings to be placed onto the street. (Ord. No. 1063, 12/12/07)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Ord. No. 1119, 1/13/10)