

CHAPTER 50: GENERAL PROVISIONS

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§ 50.01 DENIAL OF SERVICE; WHEN PROHIBITED.

No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity at retail in this village 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. RS 70-1601)

§ 50.02 DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC SUBSCRIBER. Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature.
(Neb. RS 70-1602)

(B) No utility owned and operated by the village furnishing water, natural gas, or electricity at retail in the village shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility first gives written notice by mail to any subscriber whose service is proposed to be terminated at least 7 days prior to termination. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Health and Human Services, the notice shall be by certified mail and notice of such proposed termination shall be given to the department.
(Neb. RS 70-1603)

(C) Prior to the discontinuance of service to any domestic subscriber by a utility

owned and operated by the village, the domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. A utility owned and operated by the village shall not be subject to Neb. RS 70-1608 to 70-1614, but the Board of Trustees shall establish a procedure to resolve utility bills when a conference is requested by a domestic subscriber. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber. The Board of Trustees shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

(Neb. RS 70-1604)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

(Neb. RS 70-1607)

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

(Neb. RS 70-1615)

§ 50.03 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person to do any of the following:

(1) To connect any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or to connect any pipe or conduit supplying gas or water, without the knowledge and consent of any village utility supplying such products or services, in such a 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;

(2) To knowingly use or knowingly permit the use of electricity, electric current, gas, or water obtained unlawfully pursuant to this section;

(3) To reconnect electrical, gas, or water service without the knowledge and consent of any village utility supplying such service if the service has been disconnected pursuant to Neb. RS 70-1601 through 70-1615 or § 50.02 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct 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 any village utility supplying the electricity, electric current, gas, or water passing or intended to pass through

the meter.

(B) 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 that connection, reconnection, injury, alteration, interference, or obstruction is proved to exist. (Neb. RS 28-515.02) Penalty, see § 10.99

§ 50.04 DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in Neb. RS 25-21,275 shall apply.

(B) (1) The village utility may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthorized metering when that act results in damages to the utility. A village utility 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.

(2) In any civil action brought pursuant to this section, the village utility shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

(a) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(b) Liquidated damages of \$750 if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under division (B)(2)(a) or (B)(2)(b), the utility 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 attorneys' fees in cases within the scope of Neb. RS 25-1801.

(Neb. RS 25-21,276)

(C) (1) 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 that bypassing, tampering, or unauthorized metering if the tenant or occupant 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 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.

(2) 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 that 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.
(Neb. RS 25-21,277)

(D) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws. 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. RS 25-21,278)
Penalty, see § 10.99

§ 50.05 DELINQUENT UTILITY CHARGES; LIEN; CIVIL ACTION.

(A) All water rates, taxes, or rent assessed by the Board of Trustees shall be a lien upon the premises or real estate, upon or for which the same is used or supplied; and such taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the Board of Trustees shall by ordinance direct and provide.
(Neb. RS 17-538)

(B) All sewer charges established by the Board of Trustees shall be a lien upon the premises or real estate for which the same is used or supplied. Such lien shall be enforced in such manner as the Board or Trustees provides by ordinance.
(Neb. RS 17-925.01)

(C) If the service charge established by the Board of Trustees for the use of any village sewage disposal plant and sewerage system is not paid when due, such sum may be recovered by the village in a civil action or it may be certified to the County Assessor and assessed against the premises served and collected or returned in the same manner as other village taxes are certified, assessed, collected, and returned.
(Neb. RS 18-503)

(D) Unless the Board of Trustees otherwise provides, on June 1 of each year, the Village Clerk shall report to the Board a list of all unpaid accounts due for utilities service together with a description of the premises served. If the Board approves the report, the Clerk shall certify the report to the County Clerk to be collected as a special tax in the manner provided by law.

§ 50.06 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department. The

Governing Body for the purpose of defraying the cost of the care, management and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 17-531, 17-534, 19-1305 RS Neb.)

§ 50.07 MUNICIPAL WATER DEPARTMENT; DEFINITIONS.

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

(A) Main. The term "main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the Municipality.

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

(C) Service Pipe. The term "service pipe" is hereby defined to be any pipe extending from the supply pipe to the location on the premise where the water is to be dispersed.

(D) Supply Pipe. The term "supply pipe" is hereby defined to be any pipe extending from the main to a point at or near the lot line of the consumer's premise where the shutoff, stop box or curb cock is located.

(E) Deemed Available. This term shall mean any water main which passes through the premises or through a street, alley or easement adjacent to or abutting such premises.

§ 50.08 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION.

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

§ 50.09 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT.

Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street, alley or easement in which a commercial main now is or may hereafter be laid. The rules, regulations and water rates hereinafter named in this Article and on file in the office of the Municipal Clerk shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent or his agent may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise or place shall again be made save or except by order of said Superintendent or his agent. (Ref. 17-537 RS Neb.)

§ 50.10 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE.

Upon approval of the customer's application, the Municipality shall tap the Municipal main and the customer shall be responsible for installation of service from the main to the premises served, including pipe, trenching, corporation cock, service clamp, curb stop, tap fee and labor. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. no person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade and during the night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. All installations or repairs of pipes require two (2) inspections by the Utilities superintendent. The first (1st) inspection shall be made when connections or repairs are completed and before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed and the service is restored.

It is the customer's responsibility to notify the Utilities Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Utilities Superintendent; provided, that the said rules, regulations and specifications have been reviewed and approved by the Governing Body. (ref. 17-537 RS Neb.)

§ 50.11 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE.

The expense of providing water service from the main to the premises served shall be paid by the customer. In addition, the customer shall pay a tap fee as required in Section 3-105. (Ref. 17-542 RS Neb.)

§ 50.12 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS.

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

§ 50.13 MUNICIPAL WATER DEPARTMENT; WATER PERMITS.

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

§ 50.14 MUNICIPAL WATER DEPARTMENT; WATER BILLS.

Water bills shall be due and payable monthly at the office of the Municipal Clerk. It shall be the duty of the customers of the Water Department to present themselves monthly at the office of the Municipal Clerk to pay their bills in net cash. The Municipal Clerk shall charge and collect from each customer the amount due the Water Department.

Bills shall be due monthly the first (1st) day of each month and shall be payable by the tenth (10th) day of the month. Bills not paid by the tenth (10th) of the month in which they are due shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall implement procedural policies for utility disconnection. The Municipal Clerk may assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that service is shut off for nonpayment to compensate the Municipality for the additional hook-up necessary to again provide service to the delinquent customer. (ref. 17-542, 70-1601 thru 70-1615 RS NE.)

§ 50.15 MUNICIPAL WATER DEPARTMENT; LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Municipal Clerk on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be examined and, if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (ref. 17-538 RS Neb.)

§ 50.16 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE.

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

§ 50.17 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE.

The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. In the event of said water shortage, the Governing Body or the Utilities Superintendent shall notify the customers of the Water Department by posting in three (3) prominent places throughout the Municipality notice of said shortage and the restrictions imposed. In the event that any person abuses his privileges of use of the water system by continued and excessive use to such an extent as to endanger the health and welfare of the residents of the Municipality, the Governing Body or the Utilities Superintendent shall notify said customer by personal service or by posting the customer's premises and if said excessive use is not abated within twelve (12) hours after said notification, the Utilities Superintendent shall disconnect the said water service and shall not reconnect the water service until the customer shall pay to the Municipal Treasurer a reconnection fee, as established by the governing body.

The Municipality shall not be liable for any damages caused by shutting off the supply

of water of any consumer while the system of any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (ref. 17-537 RS Neb.)

§ 50.18 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS.

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

§ 50.19 MUNICIPAL WATER DEPARTMENT; POLLUTION.

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

§ 50.20 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOKUP.

Upon written notice by the Governing Body, each property owner, occupant or lessee of any premise where water service is deemed available shall without delay cause said premise to be connected to the water system. All habitable buildings shall be equipped with inside water facilities. (ref. 17-539 RS Neb.)

§ 50.21 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS.

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

§ 50.22 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS.

It shall be the duty of the Marshal to report to the Utilities Superintendent all cases of leakage and waster in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance

of all such regulations.

§ 50.23 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carefully break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Utilities Superintendent. (ref. 17-537 RS Neb.)

§ 50.24 MUNICIPAL WATER DEPARTMENT; COMPLAINTS.

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

§ 50.25 MUNICIPAL WATER DEPARTMENT; SERVICE TO NONRESIDENTS.

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

§ 50.26 MUNICIPAL WATER DEPARTMENT; INSPECTION.

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

§ 50.27 MUNICIPAL WATER DEPARTMENT; REPAIRS

Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department including the meter shall be made by the Municipality. All water meters shall be kept in repair by the Municipality at the expense of the Municipality. When meters are worn out, they shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured or destroyed through his own recklessness, damaged, injured or destroyed through his own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the Utility Superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running two percent (2%) or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the bimonthly consumption during the same two (2) months of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Governing Body. (Ref. 17-542 RS Neb.)

§ 50.28 MUNICIPAL WATER DEPARTMENT; FLUORIDE PROHIBITED.

Fluoride shall not be added to the water supply of the Municipality (ref. 71-3305 RS Neb.)

§ 50.29 MUNICIPAL WATER DEPARTMENT; PROHIBITION OF LEAD PIPES, SOLDER AND FLUX.

Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free. For purposes of this Section, lead free shall mean:

- (A) Solders and flux - not more than two-tenths percent (.2%) lead, and
 - (B) Pipe and pipe fittings - not more than eight percent (8%) lead.
- (Ref. LB 383, Nebraska State Legislature)

§ 50.30 MUNICIPAL WATER DEPARTMENT; PRIVATE WELLS PROHIBITED; EXCEPTIONS; MINIMUM DISTANCES; PENALTY.

(A) It shall be unlawful for any person, firm, partnership, corporation or school district to establish or cause to be established any water well for the purpose of extracting water or injecting water within the corporate limits of the Municipality provided, such wells shall be a permitted use in operating water-to-air heat pumps or heat exchangers.

(B) It shall be unlawful for any person, firm, partnership, corporation or school district to drill or operate any of the below described facilities within the indicated number of feet from any Village municipal water well:

CATEGORY	DISTANCE
Non-potable Water Well.....	1,000 feet
Sewage Lagoon.....	1,000 feet
Absorption or Disposal Field for Waste.....	500 feet
Cesspool.....	500 feet
Dump.....	500 feet
Feedlot or Feedlot Runoff.....	500 feet
Corral.....	500 feet
Pit Toilet.....	500 feet
Sanitary Landfill.....	500 feet
Chemical or Petroleum Product Storage.....	500 feet
Septic Tank.....	500 feet
Sewage Treatment Plant.....	500 feet
Sewage Wet Well.....	500 feet
Sanitary Sewer Connection.....	100 feet
Sanitary Sewer Manhole.....	100 feet
Sanitary Sewer Line.....	100 feet
Sanitary Sewer Line (permanently water tight).....	10 feet

(C) In the event any of the above-described facilities are installed or operated within the designated number of feet from any municipal water supply, then such facility shall be deemed a nuisance and the governing body shall abate such facility as a public nuisance. In addition thereto, any person violating any of the terms of this ordinance is hereby determined to be "guilty" of a class III misdemeanor as the same is defined by Nebraska Statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class III misdemeanor.

§ 50.31 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL; GENERAL POLICY.

(A) Purpose: The purpose of this ordinance is:

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

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

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

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

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

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

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

§ 50.32 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL; DEFINITIONS.

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

(1) "Air gap separation" means the unobstructed vertical distance through the

free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle.

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

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

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

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

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

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

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

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

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

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

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

(d) Hazard-System - an actual or potential threat of severe damage to the

physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

(10) "Industrial Process System" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

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

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

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

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

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

§ 50.33 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS PROHIBITED.

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

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

(C) No water service connection shall be installed or maintained to any premises in

which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety.

§ 50.34 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; SURVEY AND INVESTIGATIONS.

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

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

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

§ 50.35 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; TYPE OF PROTECTION REQUIRED.

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

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

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

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

§ 50.36 MUNICIPAL WATER DEPARTMENT;

(A) An approved backflow prevention device shall be installed in the service connected line to a consumer's water system or within any premises where in the judgment of the Municipal Water Department or the Nebraska Department of Health actual or potential hazards to the public potable water system exists. The type and degree of protection required shall be commensurate with the degree of hazard.

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

(1) Premises having an auxiliary water supply unless the quality of the auxiliary supply is acceptable to the Municipal Water Department and the Nebraska Department of Health.

(2) Premises having internal cross connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

(3) Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist.

(4) Premises that although not covered by code are subject to frequent modification which could change their status or premises that have had backflow code violations.

(5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross connections could reasonable be expected to occur. This shall include the handling of process waters and cooling waters.

(6) Premises where materials of a toxic or hazardous nature are handled such that, if back siphonage or back pressure should occur, a serious health hazard may result.

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

Nebraska Department of Health.

- (1) Auxiliary Water Systems
- (2) Beverage Bottling Plants
- (3) Canaries, Packing Houses and Reduction Plants
- (4) Car Washing Facilities
- (5) Chemical Manufacturing, Processing, Compounding or Treatment Plants
- (6) Chemically Contaminated Water Systems
- (7) Dairies and Cold Storage Plants
- (8) Film Laboratories
- (9) Fire Protection Systems
- (10) Hazardous Waste Storage and Disposal
- (11) Hospital, Mortuaries, Clinics
- (12) Sprinkler Systems and Hose Connections Injecting Directly, Materials of a Toxic or Hazardous Nature
- (13) Laundries and Dye Works
- (14) Metal Manufacturing, Cleaning, Processing and Fabricating Plants
- (15) Oil and Gas Production, Storage or Transmission Properties
- (16) Planting Plants
- (17) Printing and Publishing Facilities
- (18) Research and Analytical Laboratories
- (19) Sewage and Storm Drainage Facilities - Pumping Stations
- (20) Zoological and Horticultural Gardens
- (21) All Cemetery Sprinkler Systems
- (22) Pet Grooming and Veterinarian Hospitals
- (23) Class A, B & C Swimming Pools
- (24) Cooling Coil Service Lines (Refrigeration, Air Conditioning, etc.)
- (25) All Hot Water and Steam Boiler Heating Systems
- (26) All stockyards and sale barns

§ 50.37 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES.

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

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

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

Department.

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

§ 50.38 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION; BACKFLOW PREVENTION DEVICES; INSTALLATION.

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

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

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

(D) Backflow prevention devices for underground sprinklers that have no opening to the atmosphere shall be located at least twelve (12) inches above the highest ground served by the sprinkler system.

§ 50.39 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION; BACKFLOW PREVENTION DEVICES; INSPECTION AND MAINTENANCE.

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

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

(2) Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be

dismantled, inspected internally, cleaned and repaired whenever needed.

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

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

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

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

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

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

§ 50.40 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES; VIOLATIONS.

(1) The Municipal Water Department or Water Purveyor shall have the right to deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:

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

(b) It is found that the backflow prevention device has been removed or by-passed;

(c) An unprotected cross-connection exists on the premises;

(d) A low pressure cut-off required by this article is not installed and maintained in working order;

(e) The Municipal Water Department is denied entry to determine compliance with these regulations.

(2) The Municipal Water Department shall immediately deny or discontinue, without notice to the consumer thereof, the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The Municipal Water Department shall notify the consumer within twenty-four (24) hours of said denial or discontinuation of service.

(3) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Municipal Water Department.

§ 50.41 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS; BACKFLOW PREVENTION DEVICES; LIABILITY CLAIMS.

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