

CHAPTER VII

PUBLIC UTILITIES

ARTICLE I – WATER DEPARTMENT SECTION 7-101 OPERATION AND FUNDING

The City owns and operates the City Water Department through the utilities superintendent, who shall be under the control and general supervision of the city administrator. The 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. The Council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the offices of the Public Works Director and city clerk for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. §16-675, 16-681, 16-684.01, 19-1305)

SECTION 7-102 DEFINITIONS

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

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 City.

The term "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.

The term "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.

The term "separate premises" shall mean 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 in a separate business.

SECTION 7-103 CONSUMER'S APPLICATION

Every person or persons desiring connection with the city water system must make application therefor to the utilities superintendent on forms provided by the

him/her. Such application shall state for what purpose the water shall be used; shall be signed by the owner or authorized agent of the owner of the property to be served; and be filed in the office of the utilities superintendent.

Applicants for water service shall pay tap fees in an amount set by resolution of the City Council; provided, however, that nothing herein shall be construed to obligate the City to furnish water service to nonresidents unless it is able to do so without curtailing the demands of resident consumers or without overloading its pumps, machinery or other equipment. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

SECTION 7-104 ACCOUNT SET UP FEE

The Public Works Department shall collect an account set up fee each time a customer puts an account in their name. The fee shall be set by the City Council in the City fee ordinance.

SECTION 7-105 SERVICE TO NONRESIDENTS

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

SECTION 7-106 WATER CONTRACT

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. 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 and may also furnish water to persons whose premises are situated outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so. The rules, regulations and water rates hereinafter named in this article 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 by any present consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and owner and the City, to which said contract both parties are bound. If the consumer or owner shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the Public Works Director or his/her agent may cut off or disconnect the water service from the building or premises or place of such violation until such time as the city administrator is of the opinion that water service may be resumed without

violation of said rules and regulations. No further connection for water service to said building, premises or place shall again be made, save or except by order of said commissioner or his/her agent.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall set up a new account, make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he/she shall at once inform the utilities superintendent or his/her agent who shall cause the water service to be shut off at the said premises. If the consumer should fail to give such notice, he/she and owner shall be charged for all water used on the said premises until the utilities superintendent is otherwise advised of such circumstances. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-107 INSTALLATION PROCEDURE

Upon the filing of the application and payment of all fees, a permit will be issued to the duly licensed plumber, agent or applicant to do the necessary work in bringing water service from the tap to the applicant's premises. All water service pipe shall be placed in the manner and at the depth as required by the International Plumbing Code. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications; provided that the said rules, regulations and specifications have been reviewed and approved by the City Council.

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. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the city administrator shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner. (Ref. Neb. Rev. Stat. §16-232, 16-667, 16-675, 16-681)

SECTION 7-108 INSTALLATION EXPENSE

The expense of providing water service to the premises from the nearest feasible main to the place of disbursement shall be paid by the owner in the form of a tap fee paid and impact fees if applicable at the time of application for water service. In addition to the tap fee, the applicant shall be required to advance the cost of installation, pipe, stop box, and the expense of procuring the services of a plumber and other labor necessary to bring the water service to the place of disbursement. Customers shall be responsible for the costs of all materials except

the meter, which is furnished by the City if it is 2" in size or smaller. Meters over 2" are the customer's responsibility to furnish. The labor to be furnished by the City shall consist only of the actual tapping of the water main. It shall be unlawful for any person, except such persons as may specifically be authorized by the utilities superintendent, to tap the commercial mains of the City or insert ferrules therein under any circumstances. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-109 METERS

All water meters shall be of a type and model specified by the Public Works Director and shall be installed in the manner specified by the Public Works Director. All meters and extensions shall be set in place by the City at the expense of the owner and shall be the property of the City; provided, consumers may surrender to the City meters heretofore purchased by them, and in consideration of such surrender the City will repair and replace said meters so surrendered at city expense.

All water meters shall be installed inside the residence, building or structure which said connection serves, or in a building or structure which is heated and approved by the City to properly prevent said meter and connection from weather and provide proper maintenance. Meters placed in basements or inside residences and business buildings shall be equipped with the necessary device to permit the reading of such meters from the outside. On any new installation or replacement, there shall be a shutoff valve placed in the water line on each side of the meter, going into and out of said meter. The property owner shall be responsible for loss of meters and for repair and damage of meters as provided in this article. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-110 MULTIPLE METER HEADERS

Where in commercial or multifamily residential installations the rules provide that more than one meter is permitted to individually-metered tenants, a multiple meter header will be permitted, provided:

1. All meters shall meet the requirements of these Rules.
2. The header shall be constructed and installed in such a manner that the service entrance, the header piping, the meters and all valves shall be located in the same area and totally visible for inspection in a public access area.
3. Each meter shall be installed with valves on both sides to permit removal of the individual meter for repair and test purposes. In the case of a two-meter header, where one meter serves a lawn sprinkler and the other meter serves the other houses purposes, the master header valve may serve as the upstream valve on the house meter. The valves going into the meter must be lockable.

4. The meters are not submeters.
5. Each meter will be independently read and billed by the City for water consumed.
6. The header and meters shall be located in a common use area readily accessible to meter readers and maintenance personnel. Such area shall be accessible from the exterior of the building without going through residential or commercial space within the building.
7. The headers are properly constructed with materials compatible with the water service pipe approved by the City.
8. Adequate provisions are made to handle drainage from the system or where any meter larger than 1 1/2 inches is required to handle water flow from the test tee during meter tests.
9. In addition to the shut-off valves at the meters, a single separate valve shall be located immediately ahead of the header.

SECTION 7-111 REPAIRS AND MAINTENANCE

If any leak or break in any water pipe shall occur, the utilities superintendent shall forthwith shut off water to said premises until said leak or break is repaired by the consumer; provided, such repairs or replacements shall be done by licensed plumbers or agents of the consumers under the supervision of the utilities superintendent. All supply or service pipe when leaking or out of condition shall be replaced or repaired by the plumber. He/she shall warranty the work for a period of 12 months from and after construction is completed and the work accepted and approved by the utilities superintendent. After the maintenance period shall have expired, all replacements and repairs to supply or service pipes or any attachment thereto shall be made as in the case of leaks or breaks as provided hereinbefore. Should any consumer fail, neglect or refuse to take steps to replace his/her water pipe, after notification in writing by the utilities superintendent to do so forthwith, such pipe may be cut off at the curb cock or shut-off until said pipe is satisfactorily repaired or until new pipe is installed.

If the owner permits or allows a water meter to be damaged, injured or destroyed through his/her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the utilities superintendent shall bill and collect from the owner the cost of such meter repair or replacement in the same manner as water rent is collected, including disconnection if necessary. Permitting a water meter not surrendered to the City to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer; provided, the City shall keep in repair all water meters belonging to it at city expense. The City shall have the exclusive power to repair and test all meters. All repairs and tests

of water meters belonging to or surrendered to the City shall be made at the expense of the City. If any water meter in service belonging to or surrendered to the City is beyond repair, worn out and unfit for further use by reason of natural wear and tear, the same shall be replaced at the expense of the City. The meter so replaced shall at all times thereafter be and remain property of the City. 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 2% or more fast, the expense of such test shall be borne by the City. The City reserves the right to test any water service meter at any time. Any water meter belonging to the consumer and not surrendered to the City shall, when necessary, be repaired, replaced or tested by the City at the expense of the consumer or owner, who shall be billed for and shall pay for the same in the same manner as water rent, regardless of whether or not the consumer orders or requests the City to repair, replace or test said meter. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-112 METERS; INABILITY TO REPAIR

In the event it is impossible to read the meter or the meter is not working accurately, as the case may be, it shall be considered that the amount of water used shall be the amount used during the corresponding period during the preceding year, if a meter was in operation on said premises during that period and water was used for substantially the same purposes during that period of the preceding year. If the purposes for which water was used during said period and the period in question were not substantially the same, the utilities superintendent shall make such charge as he/she deems reasonable, subject to the right of the consumer to file a claim for a refund with the City Council after paying said charge.

SECTION 7-113 FEES AND COLLECTIONS

Water charges shall commence when both a plumbing permit and a tapping permit have been issued for a new residence, commercial building or other structure. Water service meter readings shall be computed by the utilities superintendent under the direction of the city administrator. Residential consumers shall be billed every other month and commercial consumers shall be billed every month. The utilities superintendent shall bill the consumers and collect all money received by the City on the account of the water department. He/she shall faithfully account for and pay to the city treasurer all revenue collected by him/her, taking his/her receipt therefor in duplicate, filing one with the city clerk and keeping the other on file in the water department's official records. All bills shall be immediately due upon receipt. If the consumer shall neglect or refuse to pay his/her bill on or before the 15th day of the month when due, it shall be considered delinquent and shall result in a late fee set forth in the City's fee ordinance if the consumer's water service has been discontinued pursuant to the City's procedure.

SECTION 7-114 MINIMUM RATES

It shall be the duty of the City Council to set a tariff of rates based on monthly consumption for each consumer of water service. A schedule of said rates shall be on file at the offices of the utilities superintendent and city clerk; provided that, in the judgment of the city administrator, where special conditions exist to the extent that the application of the service charges as specified herein would be inequitable and unfair to the City, the city administrator shall recommend to the City Council a special rate applying to such consumers. Such special rates, when adopted by the City, shall apply to all consumers using the sanitary facilities of the City under like circumstances. All water customers shall be liable for the rate provided by ordinance unless and until the consumer shall, by written order, direct the Public Works Director to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rates until the water is turned on again. Deductions from the monthly minimum rate as aforesaid shall be allowed for the time that service has been discontinued only when such service has been discontinued after notice to the city administrator. No deduction shall be made for the time that any service remains out of use. A flat rate shall not be quoted nor allowed. All water sold shall be measured and disposed of to consumers at the metered rates set forth. No water shall be furnished to any consumer under any other rate than is provided by this section, except to consumers using water service on premises outside the corporate limits, in which case the water service shall be furnished to the consumer at such rates as the City Council may uniformly fix. (Ref. Neb. Rev. Stat. §16-681, 16-682)

SECTION 7-115 LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City 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 utilities superintendent shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 30 days or more delinquent in the payment of water rent. It shall be the duty of the city administrator to report to the City Council 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 City Council, shall be certified by the city clerk to the county treasurer to be collected as a special tax in the manner provided by law. (Ref. Neb. Rev. Stat. §16-682)

SECTION 7-116 SINGLE PREMISES

No consumer shall supply water to other families, or allow them to take water from his/her premises. After water is supplied into a building, no person shall make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written

permission of the city administrator or 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, to cause it to register inaccurately. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-117 RESTRICTED USE; LIABILITY OF CITY

The City Council or the utilities superintendent 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 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. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-118 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 City Fire Department under the orders of the fire chief or the assistant 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 without permission of the city administrator. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-119 MANDATORY HOOKUP

All persons with 300 feet of a water main shall be required, upon notice by the city administrator, to hook up with the city water system. (Ref. Neb. Rev. Stat. §16-667.03, 16-681)

SECTION 7-120 PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

1. Solders and flux - not more than two-tenths (.2%) percent lead, and
2. Pipe and pipe fittings - not more than eight (8%) percent lead.

SECTION 7-121 INSPECTION

The utilities superintendent or his/her duly authorized agent(s) shall have free access and entry at any reasonable time to all parts of each premises and building to, or in which, water is delivered for the purposes of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water or to make any repairs or adjustments as necessary. (Ref. Neb. Rev. Stat. §16-681)

SECTION 7-122 POLICE REPORTS

It shall be the duty of the city police to report to the city administrator or utilities superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

SECTION 7-123 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 city administrator or utilities superintendent.

SECTION 7-124 DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

1. The City shall have the right to discontinue utility services and remove its properties if the charges for such services are not paid within ten days after the date that the charges become delinquent. Before any termination, the City shall first give notice by first class mail, which shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days, weekends and holidays excluded, after notice is sent or given. As to any subscriber who previously has been identified to the City by the Department of Health and Human Services as a welfare recipient, notice of such proposed termination shall be given to the Department of Health and Human Services by certified mail.

2. The notice shall contain the following information:

(a) The reason for the proposed disconnection;

(b) 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;

(c) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

(d) The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;

(e) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

(f) A statement that the City may not discontinue service pending the conclusion of the conference;

(g) A statement to the effect that the disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate certifying that the domestic subscriber or a 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 upon the disconnection of the City's service to that household. Such certificate shall be filed with the City within five days of receiving notice under this section and will prevent the disconnection of service for a period of 30 days from each such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of nonpayment of any past-due account;

(h) The cost that will be borne by the domestic subscriber for restoration of service;

(i) A statement that the domestic subscriber may arrange with the City for an installment payment plan;

(j) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in paying their utility bill and that they should contact their caseworker in that regard; and

(k) Any additional information not inconsistent with this section which has received prior approval from the City Council.

3. A domestic subscriber may dispute the proposed discontinuance of service by notifying the City 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 City may discontinue service.

4. The procedures adopted by the City Council for resolving utility bills, three copies of which are on file in the office of the city clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

5. This section shall not apply to any disconnections or interruptions 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. (Ref. Neb. Rev. Stat. §16-681, 16-682)

SECTION 7-125 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RE-CONNECTION, PROHIBITED; EVIDENCE

1. Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the City, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above-mentioned unauthorized ways, shall be deemed guilty of an offense.
2. 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 water passing through it without the knowledge and consent of the City, shall be deemed guilty of an offense.
3. When water service has been disconnected pursuant to Section 7-123 of this Code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of a misdemeanor.
4. Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (Ref. Neb. Rev. Stat. §86-329 through 86-331)

SECTION 7-126 BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE

1. The purpose of these backflow regulations is:
 - a. To protect the public potable water supply system of the City from the possibility of contamination or pollution within the consumer's internal distribution system or from private water system contaminants or pollutants which could backflow through the 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 systems and nonpotable water systems, plumbing fixtures and industrial process systems.
 - c. 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.

2. Application: These backflow/backsiphonage prevention regulations shall apply to all premises served by the public potable water system of the City.

3. Policy: These backflow/backsiphonage prevention regulations 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.

The City Water Department 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 his/her own premises.

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

SECTION 7-127 BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

For the purposes of this article, the following definitions shall apply:

"Air gap separation" shall mean 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.

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

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

"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.

"Consumer" means the owner or person in control of any premises supplied by or

in any manner connected to a public water supply system.

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

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

"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.

"Degree of hazard" means an evaluation of the potential risk to the 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 separator or backflow prevention device.

c. Hazard, pollutorial: an actual or potential threat to the physical properties of the water system or to the potability of the public or consumer's potable water system 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.

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

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

"Pollution" means the presence in water of any foreign substances (organic, inorganic or biological) that degrades 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.

"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.

"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 line, then the service connection means the downstream end of the meter.

"Water department" means the Water Department of the City of Plattsmouth, Nebraska.

SECTION 7-128 BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS-CONNECTIONS PROHIBITED

1. 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 and as required by the laws and regulations of the Nebraska Department of Health or its authorized representative.
2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system, unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the City Water Department and the Nebraska Department of Health.
3. 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 City Water Department as necessary for the protection of health and safety.

SECTION 7-129 BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION

1. The consumer's premises shall be open at all reasonable times to the City or

its authorized representative for the conduct of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections.

2. On request by the City or its authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises and in 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 7-130 BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED

1. 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 superintendent, a health, plumbing, pollution or system hazard exists. The type and degree of protection required shall be commensurate with the degree of hazard.

2. An approved air gap separation or backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Water Department, 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 may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following:

3. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Department and the Nebraska Department of Health.

4. Premises having internal cross-connections which are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

5. 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.

6. Premises that, although not covered by code, are subject to frequent modification which would change their status.

7. Premises that have had backflow code violations.

8. Premises on which any 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.

9. Premises where toxic or hazardous materials are handled such that if a back-siphonage or backpressure should occur, a serious health hazard may result.

10. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or approved backflow prevention device may be required by the City or its authorized representative or 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 City or its authorized representative and the Nebraska Department of Health:

- a. Auxiliary water systems
- b. Beverage bottling plants
- c. Canneries, packing houses, reduction plants
- d. Car washing facilities
- e. Cemetery sprinkler systems
- f. Chemical manufacturing, processing, compounding or treatment plants
- g. Chemically contaminated water systems
- h. Cooling coil service lines (refrigeration, air conditioning, etc.)
- i. Dairies and cold storage plants
- j. Film laboratories
- k. Fire protection systems
- l. Hazardous waste storage and disposal facilities
- m. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings
- n. Hot water and steam boiler heating systems
- o. Sprinkler systems and hose connections directly injecting materials of a toxic or hazardous nature

- p. Laundries and dye works
- q. Metal manufacturing, cleaning, processing and fabricating plants
- r. Oil and gas production, storage or transmission properties
- s. Pet grooming facilities and veterinary hospitals
- t. Plating plants
- u. Printing and publishing facilities
- v. Research and analytical laboratories
- w. Sewage treatment plants, sewage pumping stations, or storm water pumping stations
- x. Swimming pools, Class A, B and C
- y. Zoological and horticultural gardens

SECTION 7-131 BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED

1. The type of protection required under Sections 7-126 through 7-136 of this article shall depend on the degree of hazard that exists as follows:
 - a. An approved air gap shall be installed where the potable water supply system may be contaminated with any substance that could cause a severe health hazard.
 - b. An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
 - c. An approved air gap separation or an approved 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 pollutional hazard not dangerous to health.

SECTION 7-132 BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

1. Any approved backflow prevention device required by Sections 7-126 through 7-136 shall be of a model or construction approved by the City or its authorized representative and the Nebraska Department of Health.

2. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.

3. Double check valve assemblies or reduced pressure principal backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection, maintenance and performance standards.

4. Any backflow preventer which does not meet current protection standards shall be replaced with an approved backflow preventer at the customer's expense.

SECTION 7-133 BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION

1. Backflow prevention devices required by this policy 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.

2. 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 reasonably practical and prior to any other connection.

3. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and not submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

4. Backflow prevention devices for underground sprinklers that have an opening to the atmosphere shall be located at least six inches above the highest ground served by the sprinkler system.

SECTION 7-134 BACKFLOW/BACKSIPHONAGE PREVENTION; INSPECTION AND MAINTENANCE

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

- a. Air gap separations shall be inspected at the time of installation and at least every 12 months thereafter.

b. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every 12 months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every three years.

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

2. Overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by the Water Department or a State of Nebraska certified backflow prevention device tester.

3. Backflow prevention devices designed with testing cocks shall be inspected and tested each year. Tests performed by the Water Department will be at the expense of said department and tests performed by others shall be at the expense of the consumer.

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

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

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

SECTION 7-135 BACKFLOW/BACKSIPHONAGE PREVENTION;VIOLATIONS

1. The City or its authorized representative, after 30 days' notice to the occupants thereof, shall have the right to deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy 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.

2. Water service to such premises shall not be restored until the consumer is in compliance with this article to the satisfaction of the City or its authorized repre-

sentative.

3. The City Health Department shall be advised of inspection findings and the violation abatement action pursued by the City Water Department, and shall be consulted prior to any violation abatement action on items having to do with public health significance.

SECTION 7-136 BACKFLOW/BACKSIPHONAGE PREVENTION; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the Uniform Plumbing Code and the rules and regulations of the Nebraska Department of Health. In the event of conflicting provisions, the most restrictive shall apply.

SECTION 7-137 CITY WELLS; SAFE ZONE

A safe zone shall be established around each of the City's public wells following the guidelines set by the State of Nebraska Department of Health. No changes will be allowed in the area surrounding any public wells of the City that will bring any public wells into violation of the guidelines set by the State of Nebraska Department of Health for the drilling of public wells. While this ordinance will be construed to include any guidelines set by the Department of Health and to allow for any changes in the guidelines of the Department of Health, at this time the guidelines include:

No private well within 1,000 feet

No sewage lagoon or sewage treatment plant within 1,000 feet

No absorption or disposal field for water within 500 feet

No dump site or sanitary landfill within 500 feet

No chemical product storage facility within 500 feet

No petroleum product storage facility within 500 feet

No corral or feedlot within 500 feet

No septic tank, cesspool, or other waste disposal facility within 500 feet

No sewer manhole or sewer connection within 100 feet

No sewer line within 50 feet

