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UTILITIES

§ 82-186

City of
Wayne

Sec. 82-173. 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 city water division. No person may deposit anything in a stopbox or commit any act tending to obstruct or impair the intended use of any of such property without the written permission of the water commissioner.

(Code 1974, § 3-120)

Sec. 82-174. Licensed plumber; permit required.

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks or to make any connection with or extension of the supply pipes of any consumer taking water from the system until such plumber or pipefitter shall have first procured a permit from the city. All plumbing shall be done in the manner required by the water commissioner. The plumber shall be at all times subject to the inspection and approval of the water commissioner, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

(Code 1974, § 3-121)

Sec. 82-175. Trailer courts.

All trailer courts licensed in the city shall be metered through one master meter, and the usual tariff of rates shall be applied.

(Code 1974, § 3-122)

Secs. 82-176—82-185. Reserved.

DIVISION 3. GROUNDWATER MANAGEMENT*

Sec. 82-186. Purpose.

The city finds, recognizes and declares that the conservation of groundwater and its beneficial use are essential to the economic prosperity and future well-being of the city. Complete information as to the occurrence and the use of groundwater in the city and the areas within the zoning jurisdiction of the city is essential to the development of the sound groundwater policy. The groundwater in the geographic area around the city is declining, and shortages of groundwater may occur; and the public interest demands the implementation of management practices to conserve groundwater supplies and to prevent its inefficient or improper use. The registration of all wells within the zoning jurisdiction of the city shall be required.

(Code 1974, § 3-130)

State law reference—Similar provisions, R.R.S. 1943, § 46-656.

***State law reference**—Nebraska Groundwater Management and Protection Act, R.R.S. 1943, § 46-656 et seq.

Sec. 82-187. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction of a well means boring, drilling, jetting, digging or excavation, and installing casing, pumps and other devices for withdrawing or facilitating the withdrawal of groundwater.

Groundwater means that water which occurs or moves, seeps, filters or percolates through groundwater under the surface of the land.

Illegal well means:

- (1) Any well operated or constructed without or in violation of a permit required by the provisions of this division;
- (2) Any well operated or constructed within the city limits; or
- (3) Any well not in compliance with any other applicable laws of the state or the city.

Person means a natural person, partnership, association, corporation, municipality, irrigation district, and any agency or political subdivision of the state.

Pollution of groundwater means contamination or other alteration of the natural quality of such water, however caused, including contamination by salines, minerals, industrial wastes or sewage.

Well means any artificial opening or excavation in the ground through which groundwater flows under natural pressure or is artificially withdrawn.

(Code 1974, § 3-131)

Cross reference—Definitions generally, § 1-2.

State law reference—Similar definitions, R.R.S. 1943, § 46-656.07.

Sec. 82-188. Preference.

Preference in the use of underground water shall be given to those using the water for domestic purposes. They shall have preference over those claiming it for any other purposes other than use by the city. As used in this section, domestic use of groundwater shall mean all uses of groundwater required for human needs as it relates to health, fire control and sanitation.

(Code 1974, § 3-132)

State law reference—Similar provisions, R.R.S. 1943, § 46-613.

Sec. 82-189. Wells prohibited.

It shall be unlawful for any person, other than the city, to have a well, construct a well, repair a well or pollute the groundwater within the city limits; however, an existing nonconforming well shall be allowed to continue until January 1, 1995, and on January 1, 1995, such nonconforming well shall be terminated and abandoned.

(Code 1974, § 3-133)

Sec. 82-190. Registration.

All persons having a well within the zoning jurisdiction of the city, as prescribed by R.R.S. 1943, § 16-901, shall register such well with the city clerk within 90 days after the effective date of this ordinance from which this article derives. Such registration shall be on a form furnished by the city clerk and shall contain the following information:

- (1) Location of the well site;
- (2) Description of the use of the well;
- (3) Capacity of the well;
- (4) Name of the person drilling the well;
- (5) Date the well was completed, or date to be completed;
- (6) Depth of the well; and
- (7) Type and size of the pump installed.

(Code 1974, § 3-134)

State law reference—Similar provisions, R.R.S. 1943, § 46-638.

Sec. 82-191. Permit application.

Any person desiring to drill a well or replacement well within the zoning jurisdiction of the city shall apply to the city for a permit for drilling of such well. All applications for permits shall be made on forms furnished by the city clerk.

(Code 1974, § 3-135)

Sec. 82-192. Permit fees.

The completed application for a well in which a pump of less than 100 gallons per minute capacity is to be installed, and the well is to be used for domestic use and for no other use, shall be accompanied by the current nonrefundable permit application fee. The completed application for a replacement well, which replaces a well that has been properly abandoned and capped as determined by the city engineer, shall be accompanied by the current nonrefundable permit application fee. Each completed application in which a pump of 100 gallons per minute capacity or more is to be installed, or the well is to be used for any nondomestic use, shall be accompanied by the current nonrefundable permit application fee.

(Code 1974, § 3-135.01)

Sec. 82-193. Hearing.

Upon receiving such application, the city clerk shall promptly notify the city engineer, who shall cause an investigation to be made of the proposed well and shall then report to the council as to whether the well will pollute or injure the source of water or supply of water of the city. Upon receiving such report, the council may hold a public hearing to consider the application for a well in which a pump of less than 100 gallons per minute capacity is to be installed, or a replacement well is to be installed; and the council shall hold a public hearing to consider the

application for a well in which a pump of 100 gallons per minute capacity or more is to be installed, or the well is to be used for any nondomestic use, after which the council shall either grant or deny the application for permit upon determination as to whether the proposed well will pollute or injure the water source for the supply of water for the city.
(Code 1974, § 3-136)

Sec. 82-194. Violations.

Any person who violates any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished pursuant to section 1-9.
(Code 1974, § 3-137)

Sec. 82-195. Remedies.

If any well is planned or constructed in violation of this division, the city, in addition to all other remedies, may institute appropriate action to prevent such unlawful construction and to prevent the use of such well, including injunctive relief.
(Code 1974, § 3-138)

Sec. 82-196. Emergency restrictions.

The mayor is authorized and empowered to declare the existence of an emergency relating to the available water supply of the city water system and to impose restrictions on the use of water during such emergency. Whenever the mayor shall determine that the remaining available water supply is critically low, from whatever cause, the mayor may declare the existence of an emergency and impose reasonable restrictions on the use of such water as provided in section 82-198. It shall be unlawful for any person to fail to observe any such restriction so imposed by the mayor, providing public announcement of such restriction has been made.
(Code 1974, § 3-150)

Sec. 82-197. Use of water during fire.

It shall be unlawful for any person to use water supplied by the city water system during a fire if such use is ordered discontinued by the chief of the fire department or his authorized representative.
(Code 1974, § 3-151)

Sec. 82-198. Water use restrictions.

If the mayor declared the existence of an emergency, he shall impose restrictions as provided in phases I through IV as hereinafter set forth:

PHASE I

Rationed use of water for all recreational purposes, including but not limited to parks, baseball fields, softball fields, football fields, golf courses, soccer fields, swimming pools and

private wells, and rationed use of watering of trees, lawns and yards, providing that the use of water for recreational purposes and for watering of trees, lawns and yards shall be permitted between the hours of 8:00 p.m. and 11:00 a.m.; and the use of water for such purposes shall be terminated between the hours of 11:00 a.m. and 8:00 p.m. Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.

PHASE II

Rationed use of water for all recreational purposes, including but not limited to parks, baseball fields, softball fields, football fields, golf courses, soccer fields, and private wells; rationed use of water for watering of trees, lawns and yards; rationed outdoor use of water for domestic agriculture, manufacturing and industrial purposes, to correspond with house numbers. Those addresses with addresses ending in an even number may water on even-numbered calendar days and those addresses with addresses ending in an odd number may water on odd-numbered calendar days. In addition, all outdoor use of water shall be terminated between the hours of 1:00 p.m. and 8:00 p.m.

PHASE III

Termination of water use for recreational purposes, including but not limited to parks, baseball fields, softball fields, football fields, golf courses and soccer fields. Termination of all outdoor use of water, except that used for domestic purposes or agricultural purposes. Termination of use of water, either indoors or outdoors, for manufacturing and industrial purposes; however, manufacturing and industrial use of water shall be permitted for personal sanitation and health. In addition, all outdoor use of water shall be terminated between the hours of 8:00 a.m. and 8:00 p.m. Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.

PHASE IV

Termination of all use of water for all purposes, except water that shall be permitted for personal sanitation and health. A water emergency shall be declared, and the mayor shall request assistance from state or federal governmental authorities. Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.
(Code 1974, § 3-152)

Sec. 82-199. Turning off water for failure to observe restrictions.

The water system may turn off the water supply to the premises of any person who, after having been notified of the imposition of such emergency restrictions of the use of water, disregards such restrictions; and such supply of water shall not again be turned on until the cost of labor in turning off and renewing such service, has been paid to the water system, and the currently required bond conditioned upon the observance of such emergency restrictions and regulations has been filed with the water system.

(Code 1974, § 3-153)

Secs. 82-200—82-210. Reserved.

DIVISION 4. BACKFLOW PREVENTION

Sec. 82-211. Title.

This article shall be known as the backflow prevention ordinance.
(Code 1974, § 3-180)

Sec. 82-212. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

Antisiphon vacuum breaker means a device which restricts the backflow of water into a potable water system by a simple checkvalve. The vacuum is broken by allowing air to enter upstream of the checkvalve.

Approved means that a backflow prevention device or method has been accepted by the water commissioner as being suitable for the intended use.

Auxiliary water system means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system; polluted or contaminated water, process fluids; used water; or other sources of water over which the owner of the public water supply system does not have sanitary control.

Backflow or backsiphonage means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

Backflow prevention device means any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double checkvalve assembly, antisiphon vacuum breaker, or reduced pressure principle devices can be used which have been approved by the water commissioner.

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

Consumer's water supply system means any water supply system located on the consumer's premises, supplied directly or indirectly by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply

system. A fire suppression system is also considered a consumer's water supply system. A privately owned distribution piping network which serves one or more consumers, including subdivisions, mobile home parks, etc., is considered to be a consumer's water supply system.

Contamination means an impairment of the quality of the water by sewage or waste 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 arrangement whereby contamination due to backflow or backsiphonage can occur.

Degree of hazard is derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

Double checkvalve assembly means an assembly composed of two single, independently acting, checkvalves, including 100 percent closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of the consumer.

Health hazard means any condition, device or practice in a water system or its operation that creates a real or potential danger to the health and well-being of the consumer.

Interchangeable connection means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

Licensed plumber means a person which has obtained the appropriate permit or registration from the city to perform plumbing-related work within the city limits.

Nonpotable water means water not safe for drinking, personal or culinary use, or which does not meet the requirements of the state department of health and human services.

Person means the state, any political subdivision, public or private corporation, individual, partnership or other legal entity.

Plumbing hazard means a plumbing type cross connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention devices.

Pollution means the presence in water of any foreign substance (organic, inorganic or biological) that degrades the quality of water to a degree which does not necessarily cause an actual hazard to the public health, but which does adversely and unreasonably affect such waters for any desired use.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the state department of health and human services.

Public water supply system means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply

source and distribution piping network. The water supply source is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

Reduced pressure zone backflow prevention device means a device containing a minimum of two independently acting checkvalves, together with an automatically operated pressure differential relief valve located between two checkvalves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either checkvalve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checkvalves at less than the supply pressure. The unit must include 100 percent closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

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, the service connection means the downstream end of the meter.

System hazard means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.

Used water means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

Water commissioner means the city administrator or his authorized representative.
(Code 1974, § 3-180)

Cross reference—Definitions generally, § 1-2.

Sec. 82-213. Responsibility.

The consumer, if requested by the water commissioner, shall designate an individual who shall be responsible for contact and communications with the water commissioner in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, recordkeeping and reporting, as required by law and this division. Any change in assigned responsibilities or designated individuals shall be promptly reported to the water commissioner.

(Code 1974, § 3-180)

Sec. 82-214. Policy and purpose.

(a) The purpose of this division is to protect the public water supply system of the city from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system. This division provides for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply systems.

(b) The water commissioner shall be responsible for the implementation of the backflow prevention program as outlined within this division. If in the judgment of the water commissioner an approved backflow prevention device is required for the safety of the public water supply system, such shall give notice in writing to the consumer to install such device at each recommended location. The water commissioner shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double checkvalves and reduced pressure zone devices shall be performed at the expense of the consumer by a state-certified grade VI water operator. The results of all tests performed shall be filed with the water commissioner within ten days of completion. If deemed necessary, the consumer shall be contacted and issued an order to make all necessary repairs or maintenance. The consumer shall complete all maintenance or repairs within 30 days; if not, the consumer shall be considered in violation of this division and will be subject to disconnection of the service as provided in section 82-222.

(c) No person shall install or maintain a water service connection containing cross connections to a public water supply system or a consumer's potable water supply system unless such cross connections are abated or controlled in accordance with this division, and as required by the laws and regulations of the state department of health and human services.

(d) For the purposes of this division, whenever the water commissioner is to make any decision or interpretation, or whenever reference is made to the fact that the water commissioner is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this division, any other applicable provisions of this Code, and state and federal law.

(Code 1974, § 3-181)

Sec. 82-215. Surveys and investigations.

(a) It shall be the responsibility of the water consumer to conduct or cause to be conducted periodic surveys of water use practices on his premises as necessary to determine whether there are actual or potential cross connections in the consumer's water supply system. The water commissioner shall have the authority to conduct or cause to be conducted periodic surveys and investigations of a frequency as determined by the water commissioner of water use practices within a consumer's premises to determine whether there are actual or potential cross connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water supply system. The water commissioner may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

(b) On request by the water commissioner, the consumer shall furnish the water commissioner information on water use practices within the consumer's premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information,

the water commissioner shall treat the premises as if no appropriate cross connection survey has been completed; and in such event, the consumer shall be required to install an approved backflow prevention device as required in section 82-216.

(c) The water commissioner shall have the right to enter premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect the premises, the water commissioner shall give notice setting forth a proposed date and time to the consumer at least ten days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the water commissioner and arrange for another date and time for the inspection. If the water commissioner and the consumer cannot agree on a date and time, the water commissioner shall treat the premises as if no appropriate cross connection survey has been completed; in such event, the consumer shall be required to install an approved backflow prevention device as required in section 82-216.

(d) The council is appointed as a hearing board to hear differences between the water commissioner and the consumer on matters concerning interpretation and execution of the provisions of this division by the water commissioner. Any consumer aggrieved by being required to pay the expense of installing, furnishing, testing and/or maintaining a backflow prevention device may, within 14 days of the act or event causing the grievance, request a hearing in writing to present those grievances to the hearing board. The hearing board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven days and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance, and the water commissioner shall be entitled to respond thereto; whereupon the hearing board shall render its decision, which will be binding upon the consumer and the water commissioner.

(Code 1974, § 3-182)

Sec. 82-216. Where protection is required.

(a) An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the water commissioner a health, plumbing, pollution or system hazard exists.

(b) An approved backflow prevention device shall be installed when the following conditions are found by the water commissioner to exist:

- (1) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to a public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from a public water supply system which are no longer under the sanitary control of the consumer.
- (2) Premises having internal cross connections that, in the judgment of the water commissioner, are not correctible, or there exists intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.

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- (3) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross connection survey.
 - (4) Premises having a repeated history of cross connections being established or reestablished.
 - (5) Premises having more than one customer service connection which could constitute a potential cross connection.
- (c) An approved backflow prevention device shall be installed on each service line to a consumer's water supply system or such other location deemed appropriate by the water commissioner serving the following types of facilities unless the water commissioner determines that no health, pollution or system hazard to the public water supply system exists:
- (1) Hospitals, mortuaries, dental clinics, nursing and convalescent homes, and medical buildings;
 - (2) Testing laboratories, film laboratories, and film development facilities;
 - (3) Sewage treatment plants, sewage pumping stations, or stormwater pumping stations;
 - (4) Food or beverage processing plants;
 - (5) Chemical plants;
 - (6) Metal degreasing, plating industries, machine tool plants, dye and metal processing or production;
 - (7) Chemical and petroleum processing or storage plants;
 - (8) Car washes, and automobile servicing facilities;
 - (9) Lawn irrigation systems and swimming pools;
 - (10) Laundries and dry cleaners;
 - (11) Packinghouses;
 - (12) Power plants;
 - (13) Premises having radioactive materials such as laboratories, industries, and hospitals;
 - (14) Rendering plants;
 - (15) Premises having water recirculating systems as used for boilers or cooling systems;
 - (16) Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, and pet grooming salons;
 - (17) Beauty salons, barbershops, massage parlors, and health clubs;
 - (18) Fire suppression systems;
 - (19) Multistoried buildings greater than three stories in height;
 - (20) Schools, universities and colleges; and

(21) Other commercial or industrial facilities which may constitute potential cross connection.

(Code 1974, § 3-183)

Sec. 82-217. Type of protection required.

(a) The type of protection required under sections 82-216(a) and 82-216(b) shall depend on the degree of hazard that exists as follows:

- (1) An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard;
- (2) An approved double checkvalve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard;
- (3) An approved reduced pressure principle backflow prevention device shall be installed at the service connection where there exists a plumbing hazard; and
- (4) In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

(b) An approved antisiphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at least 18 inches above the highest point reached by any water passing through the potential source of contamination. Typically, this type of device is used for such equipment as lawn sprinklers, water-cooled compressors, or other water-cooled equipment.

(Code 1974, § 3-184)

Sec. 82-218. Backflow prevention devices.

(a) Any approved backflow prevention device required by section 82-216 shall be installed at a location and in a manner approved by the water commissioner. The consumer, at his sole expense, shall obtain and install approved backflow prevention devices within 90 days of notice and as directed by the water commissioner.

(b) Existing backflow prevention devices approved by the water commissioner prior to the effective date of the ordinance from which this division derives and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of subsection (a) of this section, but only if the water commissioner determines that the devices will satisfactorily protect the public water supply system; and 100 percent closing shutoff ball valves for testing shall be provided on existing backflow prevention

devices if deemed necessary for proper testing by the water commissioner. If deemed necessary by the water commissioner that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

(Code 1974, § 3-185)

Sec. 82-219. Booster pumps.

(a) No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low-pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less.

(b) It shall be the duty of the water customer to maintain the low-pressure cutoff device in proper working order.

(Code 1974, § 3-186)

Sec. 82-220. Yard hydrants.

(a) The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of groundwater into chambers connected with the water supply.

(b) Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.

(c) All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

(Code 1974, § 3-187)

Sec. 82-221. Fire suppression system.

(a) All proposed installations of fire suppression systems shall be reviewed by the water commissioner to determine the appropriate type of backflow prevention device required.

(b) All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical grade antifreeze. The consumer shall provide to the water commissioner a certification identifying the type of pharmaceutical grade antifreeze which shall be used. A double checkvalve backflow prevention device shall be installed in an approved manner.

(c) A double checkvalve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze, but this may be done only when there are no other cross connections.

(d) All existing fire suppression systems shall meet the requirements of subsection (b) or (c) of this section, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical grade antifreezes have been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreezes have been used, a reduced pressure principle backflow prevention device shall be installed as approved by the water commissioner. This also shall be done at the expense of the consumer.

(e) If cross connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, a reduced pressure zone backflow prevention device shall be installed in an approved manner.

(Code 1974, § 3-188)

Sec. 82-222. Violations.

(a) The water commissioner shall deny or discontinue, after notice to the consumer, the water service to any premises wherein:

- (1) Any backflow prevention device required by this division is not installed or maintained in a manner acceptable to the water commissioner;
- (2) It is found that the backflow prevention device has been removed or bypassed;
- (3) An unprotected cross connection exists on the premises;
- (4) A low-pressure cutoff required by section 82-219 is not installed and maintained in working order; or
- (5) The water commissioner is denied entry to determine compliance with this division.

(b) The water commissioner shall immediately deny or discontinue, without notice to the consumer, 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 water commissioner shall notify the consumer within 24 hours of denial or discontinuation of service.

(c) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this division and to the satisfaction of the water commissioner.

(Code 1974, § 3-189)

Sec. 82-223. Approval standards.

(a) Any backflow prevention device required in this division shall be of a model and size approved by the water commissioner. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established

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by the American Water Works Association (AWWA) entitled AWWA C506-69 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices, and by the American Society of Sanitary Engineers (ASSE) entitled:

- No. 1001 Pipe Applied Atmospheric Type Vacuum Breakers - ANSI Approved 1982 - Revised 1988
- No. 1011 Hose Connection Vacuum Breakers - ANSI Approved 1982
- No. 1012 Backflow Preventer/Intermediate Atmospheric Vent - 1978
- No. 1013 Reduced Pressure Principle Backflow Preventer - Revised 1988
- No. 1015 Double Check Backflow Prevention Assembly - Revised 1988
- No. 1019 Wall Hydrants, Freezeless, Automatic Draining, Anti-Backflow Types - ANSI Approved 1978
- No. 1020 Vacuum Breakers, Anti-Siphon, Pressure Type - ANSI Approved 1982
- No. 1024 Dual Check Valve Type Backflow Preventers - ANSI Approved 1984 - Revised 1988
- No. 1035 Laboratory Faucet Vacuum Breakers - ANSI Approved 1984
- No. 1948 Double Check Detector Assembly Backflow Preventer - 1989

These standards and specifications have been adopted by the water commissioner. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with these standards and specifications.

(b) The water commissioner shall keep a current list of all certified suppliers and their appropriate list of makes and models of backflow prevention devices which the water commissioner has deemed approved.

(c) The water commissioner may require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of strainers shall preclude the fouling of backflow devices due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains causing fouling of backflow devices.

(Code 1974, § 3-190)

Sec. 82-224. Liability claims.

The water commissioner shall be relieved from personal liability. The city shall hold harmless the water commissioner, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this division, or by reason of any act or omission of the water

commissioner in the discharge of his duties under this division. Any suit brought carrying out the provisions of this division shall be defended by the city, or the city's insurance carrier, if any, through final determination of such proceeding.

(Code 1974, § 3-191)

Secs. 82-225—82-260. Reserved.

ARTICLE V. SEWER SYSTEM*

Sec. 82-261. Operation and funding.

The city owns and operates the city sewer system through the city administrator. When performing duties for the sewer system, the city administrator shall be referred to as the sewer commissioner. The city administrator shall direct the operation of the sewer system by and through the water/wastewater superintendent. The duties and responsibilities of the superintendent shall be determined by the city administrator. The council for the purpose of defraying the cost of the management and maintenance of the city sewer system may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation, and may charge user fees based on the actual use of the system. The revenue from the tax and user charge system shall be known as the sewer fund and shall remain in the custody of the city treasurer. The water/wastewater superintendent shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department, subject to the supervision and review of the council. The council shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the city clerk for public inspection at any reasonable time.

(Code 1974, § 3-201; Ord. No. 97-5, § 3, 3-25-1997)

Sec. 82-262. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

***State law references**—Authority to create a system of sewerage and drainage, R.R.S. 1943, § 16-667; authority to borrow money for the purpose of constructing a system of sewerage, R.R.S. 1943, § 16-680; authority to construct a sanitary sewer system, R.R.S. 1943, § 18-501.

AN ORDINANCE FOR THE CITY OF WILBER, SALINE COUNTY, NEBRASKA, TO CREATE SECTION 3-131 OF THE MUNICIPAL CODE OF THE CITY OF WILBER, BY ADDING A NEW SECTION TO DESIGNATE A WELLHEAD PROTECTION AREA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WILBER, NEBRASKA, as follows:

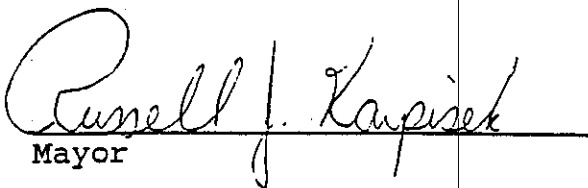
Section 1. Definitions. Wellhead Protection Area means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field.

Section 2. The City of Wilber designates a Wellhead Protection Area for the purpose of protection of the public water supply system. The boundaries of the Wellhead Protection Area are delineated based upon a map prepared by the Nebraska Rural Water Association presented to the City of Wilber on March 25, 1998, which is on file at the Office of the Wilber City Clerk, and is available for public inspection.

Section 3. Any other Ordinance or section passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict herewith, is hereby repealed.

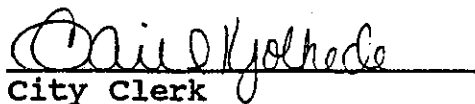
Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 9th DAY OF June, 1998.



Mayor

ATTEST:



City Clerk

(SEAL)