

## CHAPTER 51: WATER

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**WATER DEPARTMENT.****§ 51.01 OPERATION AND FUNDING.**

The municipality owns and operates the Municipal Water Department through the Utilities Superintendent. 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 tax shall be known as the Water Fund and shall remain in the custody of the City Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his or her office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the governing body. 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 City Clerk for public inspection at any reasonable time.

(1999 Code, § 3-101)

**Statutory reference:**

*Authority or similar provisions, see Neb. RS 17-531, 17-534, 19-1305*

**§ 51.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where no definition is specified, the normal dictionary usage of the word shall apply.

**MAIN.** 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.

**SEPARATE PREMISES.** More than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building or structure used for a separate business.

**SERVICE PIPE.** Any pipe not to exceed a maximum diameter of one and one-fourth inches extending from the shut-off, stop box or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

**SUPPLY PIPE.** 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.  
(1999 Code, § 3-102)

### § 51.03 CONSUMER'S APPLICATION.

Every person or persons desiring a supply of water must make application therefor to the City Clerk. The City Clerk may require any applicant to make a service deposit in the amount of \$35. Water may not be supplied to any house or private service pipe except upon the order of the Utilities Superintendent.  
(1999 Code, § 3-103)

*Statutory reference:*

*Waterworks; rules and regulations, see Neb. RS 17-537*

### § 51.04 SERVICE TO NONRESIDENTS.

The Water Department shall not supply water service to any person outside the corporate limits without special permission from the governing body; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the municipality to provide water service to nonresidents.

(1999 Code, § 3-104)

*Statutory reference:*

*Service outside city, see Neb. RS 19-2701*

### § 51.05 WATER CONTRACT.

The municipality, 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 municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a municipal 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 municipality, as and when, according to law, the governing body may see fit to do so. The rules, regulations and water rates hereinafter named in this chapter, 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 the consumer shall constitute a contract between the consumer and the municipality, to which contract both parties are bound. If the consumer shall violate any of the provisions of the contract or any reasonable rules and regulations that the governing body may hereafter adopt, the Utilities Superintendent or his or

her agent, may cut off or disconnect the water service from the building or premises or place of the violation. No further connection for water service to the building, premises or place shall again be made except by order of the Superintendent or his or her agent.

(1999 Code, § 3-105)

#### **§ 51.06 INSTALLATION PROCEDURE.**

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 Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require one inspection by the Utilities Superintendent. The inspection shall be made when connections or repairs are completed and before the pipes are covered. It is the customer's responsibility to notify the 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 the installation by the Utilities Superintendent; provided that the rules, regulations and specifications have been reviewed and approved by the governing body.

(1999 Code, § 3-106) Penalty, see § 51.99

#### **§ 51.07 INSTALLATION EXPENSE.**

The consumer shall tap the water main. The consumer shall bear the cost of the installation and the pipe from the main to the place of disbursement. The cost of the installation of the stop box shall be paid by the consumer. The municipality shall supply the stop box if requested by the consumer. The cost of procuring and installing a one inch standard meter shall be paid by the municipality, the consumer shall pay the difference if a larger meter is desired. The consumer shall be required to pay the expense of procuring the services of a plumber, if needed, and shall pay the expense of furnishing and installing pipe, trenching and the necessary labor to bring water service from the water main to the place of disbursement.

(1999 Code, § 3-107)

#### **§ 51.08 REPAIRS AND MAINTENANCE.**

The customer at his or her own expense shall replace and keep in repair all service and supply pipe from the commercial main to the place of disbursement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. 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 or her own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the Utilities Superintendent shall bill and collect from the customer the cost of the 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 2% or more fast, the expense of the test shall be borne by the municipality. The municipality reserves the right to test any water service meter at any time, and if the 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 monthly consumption during the same month of the preceding year; provided, that if no basis for comparison exists, the customer shall be charged the amount as may be reasonably fixed by the Utilities Superintendent. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through the meter, or while passing through the meter, to cause the same to register inaccurately.

(1999 Code, § 3-108)

#### § 51.09 FEES AND COLLECTIONS.

The governing body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All fees shall be on file for public inspection at the office of the City Clerk. No flat rates for water service shall be quoted or allowed by the governing body. No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type. Persons, firms or corporations desiring to use water temporarily shall pay those rates as the Utilities Superintendent, with the approval of the governing body, shall set. Without respect to schedule of rates for other customers, the governing body may enter into special contracts with large consumers of water, but never at a rate less than the cost of production; provided, that the contract shall always provide that the large consumer shall always pay the minimum rate for other customers and the contract shall be made on the basis of water consumed in excess of the minimum. A meter shall always be attached to the water service of the contract consumer and read monthly as in the case of other classes of water consumers. Water service furnished to the other departments of the municipality and to other governmental subdivisions of the state shall be measured and billed for at rates as the governing body shall set from time to time without respect to the schedule of rates on file at the office of the City Clerk, but never at rates that do not cover the cost of providing water. Whenever water service is supplied to more than one customer through the same supply pipe, each customer shall pay the minimum water service charge each month. In the event that two or more customers are supplied through the same meter, the owner of the premises shall pay for all water consumed thereon plus separate minimums. One bill only shall be computed for each meter.

(1999 Code, § 3-109)

*Statutory reference:*

*Waterworks; income, see Neb. RS 17-540*

**§ 51.10 MINIMUM RATES.**

All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water rental until the water is turned on again.

(1999 Code, § 3-110)

*Statutory reference:*

*Authority or similar provisions; see Neb. RS 17-542*

**§ 51.11 SINGLE PREMISES.**

No consumer shall supply water to other families, or allow them to take water from his or her premises, 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 premises 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 the meter to cause the meter to register inaccurately.

(1999 Code, § 3-111) Penalty, see § 51.99

**§ 51.12 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 premises in the event of a water shortage due to fire or other good and sufficient cause. The municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the municipality has no control.

(1999 Code, § 3-112)

**§ 51.13 FIRE HYDRANT.**

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 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.

(1999 Code, § 3-113) Penalty, see § 51.99

**§ 51.14 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.

(1999 Code, § 3-114) Penalty, see § 51.99

**§ 51.15 MANDATORY HOOK-UP.**

All persons within 300 feet of a water main shall be required, upon notice by the governing body, to hook-up with the municipal water system.

(1999 Code, § 3-115)

**§ 51.16 WATER CONTRACTS; NONTRANSFERABLE.**

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premises where service is furnished, or if the premises is destroyed by fire or other casualty, he or she shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the premises. If the consumer should fail to give notice, he or she shall be charged for all water used on the premises until the Utilities Superintendent is otherwise advised of the circumstances.

(1999 Code, § 3-116)

**§ 51.17 INSPECTION.**

The Utilities Superintendent, or his or her duly authorized agents, shall have free access, at any reasonable time, to all parts of each premises and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water.

(1999 Code, § 3-117)

**§ 51.18 POLICE REPORTS.**

It shall be the duty of the municipal police to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the municipal code relating to the Water Department. They shall have the additional duty of enforcing the observance of all regulations.

(1999 Code, § 3-118)

**§ 51.19 DESTRUCTION OF PROPERTY.**

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

(1999 Code, § 3-119) Penalty, see § 51.99

**§ 51.20 TIME.**

All taps or plumbing work done on or to the municipal water system shall be done between the hours of 8:00 a.m. and 5:00 p.m., unless an emergency situation exists.

(1999 Code, § 3-120)

***BACKFLOW/BACKSIPHONAGE PREVENTION*****§ 51.35 STATEMENT OF POLICY.**

(A) The purpose of §§ 51.35 through 51.47 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 non-potable water systems, plumbing fixtures and industrial-process systems; and

(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) Sections 51.35 through 51.47 shall apply to all premises served by the public potable water system of the municipality.

(C) Sections 51.35 through 51.47 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.

(D) The Municipal Water Department shall be primarily responsible for protecting the public potable water distributions 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 consumer's own premises.

(1999 Code, § 3-121)

### § 51.36 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR GAP SEPARATION.** 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 flood level rim of the receptacle.

**APPROVED TESTER.** A person qualified to make inspections; to test and repair backflow prevention/cross-connection control devices; and who is approved by the municipality.

**AUTHORIZED REPRESENTATIVE.** Any person designated by the municipality to administer §§ 51.35 through 51.47.

**AUXILIARY WATER SUPPLY.** Any water source system, other than the public water supply, that may be available in the building or premises.

**BACKFLOW.** The flow, other than the intended direction of flow, of water or other foreign liquids, gases or substances into the distribution system of a public water supply system.

**BACKFLOW PREVENTION DEVICE.** 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.

**BACKSIPHONAGE.** The flowing back of water or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

**CONSUMER.** The owner or person in control of any premises supplied by or in any manner connected to a public water system.

**CONTAINMENT.** 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.** An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create the actual hazard to the public health through poisoning or through spread of disease by exposure.

**CROSS-CONNECTION.** 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.

**HAZARD, DEGREE OF.** An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

(1) **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.

(2) **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.

(3) **HAZARD-POLLUTIONAL.** An actual or potential threat to the physical properties of the water system or to the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

(4) **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.

**ISOLATION.** 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.** 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 unreasonable affect waters for domestic use.

**PUBLIC POTABLE WATER SYSTEM.** 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 and Human Services.

**SERVICE CONNECTION.** 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.

**WATER DEPARTMENT.** The Municipal Water Department of the city.  
(1999 Code, § 3-122)

**§ 51.37 CROSS-CONNECTION PROHIBITED.**

(A) No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public water supply system may exist unless the actual or potential cross-connections are abated or controlled to the satisfaction of the municipality or its authorized representative.

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

(C) No 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.

(1999 Code, § 3-123)

**§ 51.38 SURVEY AND INVESTIGATION.**

(A) The consumer's premises shall be open at all reasonable times to the municipality or its 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 in the consumer's water system.

(B) On request by the municipality or its authorized representative, the consumer shall furnish requested information on water use practices within his or her premises and in the consumer's water system.

(C) On request by the municipality or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross-connections. The consumer shall provide the survey results to the municipality or its authorized representative.

(1999 Code, § 3-124)

**§ 51.39 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 municipality or authorized representative a health, plumbing, pollution or system hazard exists.

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(B) An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal 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 the 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 situations:

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the municipality or its authorized representative and the Nebraska Department of Health and Human Services;

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

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

(4) Premises having a repeated history of cross-connections being established or re-established;

(5) Premises, which, due to the nature of the enterprise therein, are subject to recurring modification or expansion;

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

(7) Premises where toxic or hazardous materials are handled.

(C) The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the municipality or its authorized representative or the Nebraska Department of Health and Human Services to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the municipality or its authorized representative and the Nebraska Department of Health and Human Services:

(1) Agricultural chemical facilities;

(2) Auxiliary water systems, wells;

(3) Premises having water recirculating system as used for boilers or cooling systems;

(4) Bulk water loading facilities;

- (5) Car washes, automobile servicing facilities;
- (6) Chill water systems;
- (7) Feedlots;
- (8) Fire protection systems;
- (9) Hazardous waste storage and disposal sites;
- (10) Irrigation and lawn sprinkler systems;
- (11) Laundries and dry cleaning;
- (12) Petroleum processing or storage plants;
- (13) Beauty salons;
- (14) Schools;
- (15) Sewage pumping stations;
- (16) Hospital, medical and dental offices; and
- (17) Other commercial or industrial facilities which may constitute potential cross-connection.  
(1999 Code, § 3-125)

#### **§ 51.40 TYPE OF PROTECTION REQUIRED.**

The type of protection required by §§ 51.35 through 51.47 shall depend on the degree of hazard which exists, as follows.

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

(B) An approved air gap separation or an approved reduced pressure principle 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 reduced pressure principle 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.  
(1999 Code, § 3-126)

**§ 51.41 BACKFLOW PREVENTION DEVICES.**

Any backflow prevention device required by §§ 51.35 through 51.47 shall be of model or construction approved by the municipality or its authorized representative and/or the Nebraska Department of Health and Human Services.

(A) 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.

(B) Double check valve assemblies or reduced pressure principle backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health and Human Services, unless the device was installed at the time §§ 51.35 through 51.47 were passed and complies with required inspection and maintenance.  
(1999 Code, § 3-127)

**§ 51.42 INSTALLATION.**

(A) Backflow prevention devices required by §§ 51.35 through 51.47 shall be installed at a location in a manner approved by the municipality or its authorized representative. All devices shall be installed at the expense of the consumer, unless the municipality or its authorized representative agrees otherwise.

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

(C) Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.  
(1999 Code, § 3-128)

**§ 51.43 TESTING.**

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the municipality or its authorized representative. Actual testing shall be at the expense of the consumer, unless the municipality or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the municipality. If testing shall require entry into the premises, the municipality's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten days in advance by first class mail, return receipt requested. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the municipality's authorized representative to arrange another date and time.  
(1999 Code, § 3-129)

**§ 51.44 AUTHORIZED REPRESENTATIVE; AUTHORITY.**

The authorized representative shall have the authority to issue any order consistent with the provisions of §§ 51.35 through 51.47 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by first class mail, return receipt requested.

(1999 Code, § 3-130)

**§ 51.45 APPEALS.**

In the event that it is claimed that the true intent and meaning of §§ 51.35 through 51.47 has been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by §§ 51.35 through 51.47, the owner may file a written notice of appeal with the City Clerk within ten days after the decision or order of the authorized representative has been made. The governing body shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. This decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal.

(1999 Code, § 3-131)

**§ 51.46 VIOLATIONS.**

(A) The municipality or its authorized representative shall 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 municipality 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.

(B) Water service to these premises shall not be restored until the consumer is in compliance with these cross-connection regulations to the satisfaction of the municipality or its authorized representative.

(1999 Code, § 3-132)

**§ 51.47 LIABILITY CLAIMS.**

The authorized representative shall be relieved from personal liability. The municipality shall hold harmless the authorized representative when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by §§ 51.35 through 51.47, or by reason of any act or omission of the authorized representative in the discharge of his or her duties hereunder. Any suit brought carrying out the

provisions of §§ 51.35 through 51.47 shall be defined by the municipality's insurance carrier, if any, through final determination of the proceeding.  
(1999 Code, § 3-133)

### **WATER WELLS**

#### **§ 51.60 CONSTRUCTION OF WATER WELLS.**

(A) Construction of a water well of any kind, whether a sand point, a well drilled by cable or by rotation shall be prohibited within corporate limits, or within the zoning jurisdiction which is within two miles of the corporate limits, unless the governing body has approved the same by a majority vote. The well constructor must obtain written permission from the governing body before constructing the well.

(B) The water well must be located and constructed according to Nebraska Department of Health and Human Services Regulations, Title 178, Chapters 10 and 12.  
(1999 Code, § 3-134) Penalty, see § 51.99

#### **§ 51.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B) (1) Whenever a nuisance exists as defined in this code, the municipality may proceed by a suit in equity to enjoin, abate and remove the same in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the Court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.  
(1999 Code, § 3-1101) (Ord. 00-20, passed 6-6-2000)