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## CHAPTER VI

## PUBLIC UTILITIES

### ARTICLE I - UTILITIES GENERALLY

#### SECTION 6-101: BILLING

Utility bills shall be a joint bill for all utilities, including water, sewer, garbage and Solid Waste Agency of Northwest Nebraska (hereafter referred to as SWANN), and shall be due and payable at Crawford City Hall. It shall be the duty of the Public Works Commissioner, to compute or cause to be computed a joint utility bill each month. The ready-to-serve charge for water, sewer service, garbage service and SWANN service shall be billed on the first day of each month for the prior month's usage. Bills shall be deemed delinquent if not paid by the 15<sup>th</sup> day of the month for the previous month's usage. A late penalty charge of \$20.00 per account will be added to each delinquent bill if not received on or before the 27<sup>th</sup> of each month.

*(Ref. Neb. Rev. Stat. §17-537, 18-503, 19-1404)*

*(Amended July 27, 2004, Ord. No. 565)*

*(Billing dates/rates Amended 11-13, 2005, Ordinance No. 576)*

*(Amended August 27, 2013, Ordinance No. 633)*

*(Amended October 28<sup>th</sup> 2014 Ordinance No. 640)*

#### SECTION 6-102: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

The City shall have the right to discontinue services and remove its properties if the charges for such services are not paid within 15 days after the date the same become delinquent. Before any termination, the public works commissioner shall first give notice by first class mail or in person to any domestic subscriber whose service is proposed to be terminated. If notice is given by first class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the City by the Department of Social Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Social Services.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

4. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the City Clerk within five days of receiving notice under this section and will prevent the disconnection of the utility services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account;
8. The cost that will be borne by the domestic subscriber for a restoration of service;
9. A statement that the domestic subscriber may arrange with the City for an installment payment plan.
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section, which has received prior approval from the City Council.

If payment of the delinquent bill is not received prior to the date indicated for discontinuance of service in the Discontinuance of Service Notice, then an additional fee of \$20.00 will be added to the delinquent bill to help defray the cost of sending a city worker out to discontinue the service. The City worker dispatched to perform the disconnection cannot accept payment of the delinquent utility bill. All utility bills are due and payable at the office of City Hall.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the public works commissioner 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 utility may discontinue services.

The procedures adopted by the City Council for resolving utility bills, 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 hereof as though set out in full.

This section shall not apply to any disconnection or interruptions of service made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Ref. Neb. Rev. Stat. §7-1605 et seq.)

(Amended July 27, 2004, Ord. No. 565)

(Amended August 27, 2013, Ord. No. 634)

#### SECTION 6-103: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was used. The City Clerk shall notify in writing, or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees have been notified of the intention of the City to disconnect City services due to delinquency in the payment of utility rent. It shall be the duty of the City Clerk, to quarterly report to the City Council a list of all unpaid accounts due for utilities together with a description of the premise 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 clerk to be collected as a special tax in the manner provided by law.

(Amended June 22, 2010, Ord. No. 611)

(Amended August 27, 2013, Ord. No. 632)

#### SECTION 6-104: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, 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 Neb. Rev. Stat. §70-1601 to 70-1615, or Section 6-102 of this Code, any person who reconnects such

service without the knowledge and consent of the City shall be deemed guilty of an offense.

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 6-105: DIVERSION OF SERVICES; PENALTY

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

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

1. The amount of actual damage or loss if the amount of the damage or loss is susceptible to reasonable calculation; or
2. Liquidated damages or \$750.00 if the amount of actual damage or loss is not susceptible to reasonable calculation.

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

There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

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

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

(Ref. Neb. Rev. Stat. §86-331.01 through 86-331.04)

#### SECTION 6-106: UTILITIES DEPOSIT

Beginning August 1, 2004, all new accounts for city utilities shall require a deposit in an amount set from time to time by resolution of the City Council. These funds shall be kept in a non-interest-bearing checking account separate from all other funds. Upon written application by customer, the City of Crawford will return Utility Deposits by applying the deposit to the customer's current bill, if/when all of the following criteria are met by the customer.

1. For residential customers, the customer lives in and owns the home listed on the account.
2. The customer's account is in good standing and has not had more than two (2) late penalties assessed in the last twenty-four (24) months.
3. The customer's account, in the last twenty-four (24) months has not once been placed on a shut-off list (account more than fifteen (15) days past due after late penalties are assessed), regardless of whether the water was actually shut-off.

Eligibility for refund will be considered quarterly.

(Added July 27, 2004, Ord. No. 565)

(Amended April 27, 2010, Ord. No. 605)



## ARTICLE II – WATER DEPARTMENT

### SECTION 6-201: OPERATION AND FUNDING

The City owns and operates the city water department through the public works commissioner. The City Council, for the purpose of defraying the cost, management and maintenance of the city 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 public works commissioner shall have the direct management and control of the city water department and shall faithfully carry out the duties of his/her office. The public works commissioner shall have the authority to make rules and regulations for the sanitary and efficient management of the water department, subject to the supervision and review of the City Council. The City Council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the City Clerk for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. §17-531, 17-534, 19-1305)

### SECTION 6-202: TERMS DEFINED

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

"Consumer" and "customer" shall have the same meaning and are equivalent terms.

"City" shall mean the City of Crawford, Nebraska, and the term "municipal" shall refer to the same.

"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 disbursing the same, in the City.

"Plumbing code" shall refer to the most recent edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials.

"Public works commissioner" shall mean that official appointed by the City Council to have the direct management and control of its water department. Such official may, additionally, coincidentally or alternatively, perform the functions of, bear the title of, and be vested with the authority of, its building inspector, electrical inspector, plumbing inspector or zoning inspector.

"Separate premise" is hereby defined to mean that only one consumer shall procure water from the same service or supply pipe. Any other property using the same service or supply pipe is to be a considered a separate premise for billing and installation of a separate water meter.

"Service pipes" shall mean 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 premise where the water is to be disbursed.

"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 premise where the shut-off, stop box or curb cock is located.

#### SECTION 6-203: CONSUMER'S APPLICATION

Every person or persons desiring a supply of water must make application therefor to the City Clerk upon the blanks to be furnished by him/her for that purpose. The applicant shall be required to accompany his/her application with a fee, said fee to be set from time to time by resolution of the City Council. Water may not be supplied to any house or private service pipe except upon the order of the public works commissioner. The 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 consumer. Nothing herein shall be construed to obligate the City to provide water service to non-residents.

#### SECTION 6-204: WATER CONTRACT

The City through its water system 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 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 of consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the public works commissioner or his/her agent may cut off or disconnect the water service from the building or premise or place of such violation. No further

connection for water service to said building, premise or place shall again be made, save or except by order of said public works commissioner or his/her agent. (Ref. Neb. Rev. Stat. §17-537)

#### SECTION 6-205: INSTALLATION EXPENSE

The City shall pay the cost of tapping the main, and providing fixtures and labor up to and including the stop box at the lot line of the customer. The City shall furnish the meter, but it is the responsibility of the consumer to install said meter. No person other than the public works commissioner or his/her duly authorized agent shall tap the water main. The customer shall pay a tap fee in such sum as the City Council has set by resolution and placed on file in the office of the City Clerk; provided that a tap for a 3/4 inch pipe shall be deemed to be the minimum or base tap fee. The customer shall at his/her own expense, bring water service from the stop box and upon his/her own premises and shall employ a plumber who shall install water service to the place for disbursement. Non-residents shall pay such tap fees and installation charges in such sums as the public works commissioner, pursuant to resolution of the City Council, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

#### SECTION 6-206: 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. 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 public works commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations of plastic or non-metal pipes shall have metal-locate tape affixed thereon for location purposes. All installations or repairs of pipes require two inspections by the public works commissioner. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the public works commissioner 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 by the public works commissioner.

(Ref. Neb. Rev. Stat. §17-537)

#### SECTION 6-207: MAINTENANCE AND REPAIRS

Repairs to the service and supply pipe to the curb stop shall be made by the City. The City shall repair or replace, as the case may be, all supply pipes between the commercial main and the stop box. The customer at his/her own expense shall replace and keep in repair all service pipes from the stop box to the place of disbursement. When leaks occur in service pipes, the public works commissioner shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the public works commissioner. All water meters shall be kept in repair by the City at the expense of the City. When meters are worn out, they shall be replaced and reset by the public works commissioner at the expense of the City; provided, that if the customer 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 public works commissioner shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Freeze-damaged water meters will be replaced at city expense on the first occasion of freeze damage for that water account. The public works commissioner shall keep a record of all water meters replaced by the City due to freeze damage. Any subsequent freeze damage to the meter shall be borne by 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 such test shall be borne by the City. The City reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair, the City shall always have the right to place a new meter on the customer's water service fixtures at city 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 quarterly consumption during the same quarter of the preceding year; provided that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the public works commissioner.

(Amended July 27, 2004, Ord. No. 565)  
(Ref. Neb. Rev. Stat. §17-542)

#### SECTION 6-208: FEES AND COLLECTIONS

The City Council 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 such fees shall be on file for public inspection at the office of the City Clerk. The public works commissioner or his/her designated clerk 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, making his/her receipt therefore in duplicate, keeping one and filing the other in the water department's official records.

(Ref. Neb. Rev. Stat. §17-540)

#### SECTION 6-209: WATER BILLS

Water bills shall be due and payable upon receipt of the water bill. Said water bills shall be payable at the office of the City Clerk.  
(Ref. Neb. Rev. Stat. §17-542, 18-416)

**SECTION 6-210: WATER RENTAL RATES**

All water consumers shall be liable for the following minimum rates unless and until the consumer shall, by written order, direct the public works commissioner to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again:

<u>Meter Size</u>	<u>Readiness-to-Service Charge per Month*</u>
5/8", 3/4"	\$ 45.00
1"	\$ 62.50
1 1/2"	\$ 80.00
2"	\$105.00
2 1/2"	\$132.50
3"	\$147.50
4"	\$185.00

\*If service is for less than a month, the readiness-to-serve charge shall be prorated by the public works commissioner.

Water meters shall be read on a monthly basis, with the exception of winter months when it becomes too cold to do so. Should this occur, usage amounts shall be estimated using previous usage by consumer.

All users served within the corporate City Limits shall be charged at the rate of \$2.30 per 1,000 gallons of water used.

Bulk water use shall be billed at a \$5.00 minimum charge with a rate of \$5.50 per every 1,000 gallons purchased.

Charges for all non-residents (residents outside City Limits) served with municipal water shall be charged as follows.

<u>Meter Size</u>	<u>Readiness-to-Service Charge per Month*</u>
5/8", 3/4"	\$ 67.00
1"	\$102.00
1 1/2"	\$137.00
2"	\$187.00
2 1/2"	\$242.00
3"	\$272.00

4"

\$347.00

*(Water rates Amended October 14, 2003, Ordinance No. 553)*  
*(Water rates Amended November 23, 2004, Ordinance No. 570)*  
*(Billing dates/rates Amended September 13, 2005, Ordinance No. 576)*  
*(Water rates Amended October 12, 2010, Ordinance No. 612)*  
*(Water rates Amended Aug. 27, 2013, Ordinance No. 631)*  
*(Water rates Amended March 17, 2015, Ordinance No. 644)*  
*(Water rates Amended April 28, 2015, Ordinance No. 646)*

#### SECTION 6-211: 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 that 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 .2% lead, and
2. Pipe and pipefittings - not more than 8% lead.

All new lines shall have check valves installed and such installation shall be inspected and approved by the public works commissioner. The public works commissioner shall have the authority to refuse to turn on the city water on any premises until the plumbing has been made to comply with all statutory sections. (Ref. Neb. Rev. Stat. §71-5301)

#### SECTION 6-212: SINGLE PREMISE

No consumer shall supply, or cause to be supplied, water to other families or allow them to take water from his premise. The owner or lessee of each dwelling or premises shall be responsible for all water service used in any space rented or leased by him/her. Each dwelling or other leased premise shall be deemed to be a separate user of the municipal water supply, and shall be required to pay any deposit and use fees as established by resolution of the City Council and placed on file in the office of the City Clerk. (Amended September 29, 2005, Ord. No. 581)

#### SECTION 6-213: RESTRICTED USE

The City Council or the public works commissioner may order a reduction in the use of water, or shut off the water on any premise, in the event of a water shortage due to fire or other good and sufficient cause. 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. §17-537)

#### SECTION 6-214: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires, other than those identified in the following subsection, are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the city fire department or members of the city water department to open or attempt to open any public or private hydrant and draw water from the same, or in any manner to interfere with the hydrants. Any person doing so or attempting to do so may be prosecuted as provided by law.

#### SECTION 6-215: WATER SERVICE CONTRACTS, NOT TRANSFERABLE

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 sell, dispose or remove from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he/she shall at once inform the public works commissioner who shall cause the water service to be shut off from the said premise. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premise until the public works commissioner is otherwise advised of such circumstances.

#### SECTION 6-216: INSPECTION

The public works commissioner or his/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.  
(Ref. Neb. Rev. Stat. §17-537)

#### SECTION 6-217: 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 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 public works commissioner.

#### SECTION 6-218: 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 city water department.

## SECTION 6-219: MANDATORY HOOK-UP

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice of the City Council, to hook up with the city water system.

## SECTION 6-220: LICENSED PLUMBER

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 owned by the City, or to make any connection with or extension of the supply pipes of any consumer taking water from said system until such plumber or pipefitter shall have first procured a license from the State of Nebraska. All plumbing shall be done in the manner required by public works commissioner. The said licensed plumber shall be at all times subject to the inspection and approval of the public works commissioner and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work

## SECTION 6-221: BACKFLOW REGULATIONS; POLICY AND PURPOSE

1. The purpose of these backflow regulations is to protect the public water supply system of the City from the possibility of contamination, or pollution that may backflow into the system. These regulations provide for the maintenance of a continuing program of cross-connection controls, which will systematically and effectively prevent the contamination or pollution of the potable water supply system.
2. Annual testing of all double check valve assemblies, pressure vacuum breaker assemblies and reduced pressure-principle backflow prevention assemblies shall be performed by the public works commissioner. A minimum fee for backflow device testing shall be \$15.00 plus labor and parts charges to be paid by the owner. All assembly/device testing must be recorded on a "City of Crawford Backflow Device Test Report." A copy of the test report must be released to the public works commissioner immediately upon completion. The public works commissioner shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If in the judgment of the public works commissioner an approved backflow prevention device is required for the safety of the public water supply system, then he/she shall give notice in writing to the consumer to install said device at each recommended location. The public works 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. If maintenance or repairs are deemed necessary by the public works commissioner, the owner shall be contacted and issued an order to do all



necessary repairs or maintenance. The consumer shall complete all maintenance or repairs within 30 days; if not, he/she shall be considered in violation of the backflow regulations and will be subject to disconnection of the service.

3. 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 rule, and as required by the laws and regulations of the Nebraska Department of Health.

4. For the purposes of these backflow prevention regulations, whenever the public works commissioner is to make any decisions or interpretations, or whenever reference is made to the fact that the public works commissioner is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of these backflow prevention regulations, and any other applicable provisions of the municipal code and state and federal law.

#### SECTION 6-222: BACKFLOW REGULATIONS; DEFINITIONS

For the purposes of this article, the following terms shall mean:

"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 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.

"Anti-siphon vacuum breaker" is a device that restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the public works 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 City 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 check valve assembly, anti-siphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the public works 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 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.

"Contamination" means an impairment of the quality of the water by sewage or waste to a degree that 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 a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

"Double check-valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

"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 who has obtained the appropriate permit from the City Council to perform plumbing-related work within the city limits.

"Non-potable water" means water not safe for drinking, personal or culinary use, or which does not meet the requirements of the Nebraska Department of Health.

"Owner" means the entity delivering water through a public water supply system. The owner is the City of Crawford operating through the public works commissioner.

"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 substances (organic, inorganic, or biological) that degrade 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 that is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"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.

"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 check valves together with an automatically operated pressure differential relief valve located between two check valves. 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 check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include 100% 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 line, then 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.

#### SECTION 6-223: BACKFLOW REGULATIONS; SURVEYS AND INVESTIGATIONS

- A. 1. It shall be the responsibility of the water consumer to conduct or cause to be conducted periodic surveys of water use practices on his/her premises as necessary to determine whether there are actual or potential cross-connections in the consumer's water supply system. The public works commissioner shall have the authority to conduct or cause to be conducted periodic surveys and investigations 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 system. The public works commissioner may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.
2. On request by the public works commissioner, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the public works 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 6-224.
3. The public works 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. In order to inspect premises, the public works 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 public works commissioner and arrange for another date and time for the inspection. If the public works commissioner and the consumer cannot agree on a date and time, then the public works 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 6-224.

4. The City Council is hereby appointed as a hearing board to hear differences between the public works commissioner and any consumer on matters concerning interpretation and execution of the provisions of this ordinance by the public works commissioner. Any consumer aggrieved by being required to pay the expense of installing, furnishing 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 such grievance to the hearing board. Said 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 public works commissioner shall be entitled to respond thereto, whereupon the hearing board shall render its decision that will be binding upon the consumer and the public works commissioner.

#### B. Municipal Water Department Cross-Connection Report (Survey) Required

A Cross-Connection Control Officer shall be appointed by the City Council of the City of Crawford to oversee the enforcement of this ordinance. This person shall be responsible for reviewing the surveys submitted by the customers of the Municipal Water Department and determining if a backflow prevention device is required to comply with Title 179, NAC 2, and *“Regulations Governing Public Water Supply Systems.”*

All customers of the Municipal Water Department shall be required to report to the Cross-Connection Control Officer any potential cross connections that may be on their premises. This report shall be made at least every five (5) years.

Any customer refusing to report on possible cross-connections on their premises shall be in violation of this ordinance and may have their water service disconnected. Any customer who has had their service discontinued for violation of this ordinance shall be subject to a twenty-five dollar (\$25.00) reconnect fee to have the service reinstated after supplying the required report.

(Amended February 26, 2009, Ord. No 593)

#### SECTION 6-224: BACKFLOW REGULATIONS; 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 public works commissioner a health, plumbing, pollution or system hazard exists.

2. An approved backflow prevention device shall be installed when the following conditions are found by the public works commissioner to exist:

A. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to 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 owner;

B. Premises having internal cross-connections that, in the judgment of the public works commissioner, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

D. Premises having a repeated history of cross-connections being established or re-established;

E. Premises having more than one customer service connection that could constitute a potential cross-connection.

3. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the public works commissioner determines that no health, pollution or system hazard to the public water supply system exists:

A. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.

B. Testing laboratories, film laboratories, film development facilities.

C. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.

D. Food or beverage processing plants.

E. Chemical plants.

F. Metal de-greasing, plating industries, machine tool plants, dye and metal processing or productions.

G. Chemical and petroleum processing or storage plants.

H. Car washes, automobile servicing facilities.

I. Lawn irrigation systems and swimming pools; provided, however, that this subpart does not apply to lawn sprinkling systems, with the exception of those with the provision to inject toxic substances, including lawn chemicals.

J. Laundries and dry cleaners.

K. Packing houses.

L. Power plants.

M. Premises having radioactive materials such as laboratories, industries, hospitals.

N. Rendering plants.

O. Premises having a water recirculating system as used for boilers or cooling systems.

P. Veterinary establishments, kennels, feed yards, stables, rodeo grounds, stockyards, pet grooming salons.

Q. Beauty salons, barbershops, massage parlors, health clubs.

R. Fire suppression systems.

S. Multi-storied buildings greater than three stories in height.

T. Schools, universities, colleges.

U. Other commercial or industrial facilities that may constitute potential cross-connection sites.

#### SECTION 6-225: BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED

1. The type of protection required under Section 6-224 (1) and 6-224 (2) of this article shall depend on the degree of hazard that exists, as follows:

A. 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.

B. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

C. An approved reduced pressure-principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.

D. 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.

2. An approved anti-siphon 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 the least 6" 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.

#### SECTION 6-226: BACKFLOW REGULATIONS; BACKFLOW PREVENTION DEVICES

1. Any approved backflow prevention device required by Section 6-224 shall be installed at a location and in a manner approved by the public works commissioner. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device within 90 days of notice and as directed by the public works commissioner.

3. Existing backflow prevention devices approved by the public works commissioner prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of Section 6-226 (1), but only if the public works commissioner determines that the devices will satisfactorily protect the public water supply system. If deemed necessary for proper testing by the public works commissioner, 100% closing shut off ball valves for testing shall be provided on existing backflow prevention devices. If the public works commissioner determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

#### SECTION 6-227: BACKFLOW REGULATIONS; BOOSTER PUMPS

1. 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.

2. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order.

#### SECTION 6-228: BACKFLOW REGULATIONS; YARD HYDRANTS

1. 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 ground water into chambers connected with the water supply.

2. 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 anti-siphon vacuum breaker.

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

#### SECTION 6-229: BACKFLOW REGULATIONS; FIRE SUPPRESSION SYSTEMS

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

2. All proposed fire suppression systems requiring an antifreeze solution shall use pharmaceutical grade antifreeze. The consumer shall provide to the public works commissioner a certification identifying the type of pharmaceutical grade antifreeze that will be used. A double check valve- backflow prevention device shall be installed in an approved manner.

3. A double check valve 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.

4. All existing fire suppression systems shall meet the requirements of subsections 2 and 3 above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical grade antifreeze has been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreeze has been used, then a reduced pressure-principle backflow prevention device shall be installed

as approved by the public works commissioner. This also shall be done at the expense of the consumer.

5. In the event 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, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

#### SECTION 6-230: BACKFLOW REGULATIONS; VIOLATIONS

1. The public works commissioner shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

A. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the public works commissioner.

B. It is found that the backflow prevention device has been removed or bypassed.

C. An unprotected cross-connection exists on the premises.

D. A low-pressure cutoff required by Section 6-227 is not installed and maintained in working order.

E. The public works commissioner is denied entry to determine compliance with these regulations.

2. The public works commissioner shall, without notice to the consumer thereof, immediately deny or discontinue the water service to any premises wherein a severe cross-connection exists that constitutes an immediate threat to the safety of the public water system. The public works commissioner shall notify the consumer within 24 hours of said denial or discontinuation of service.

3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the public works commissioner.

#### SECTION 6-231: BACKFLOW REGULATIONS; APPROVAL STANDARDS

1. Any backflow prevention device required herein shall be of a model and size approved by the public works commissioner. "Approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established 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 Prevention/Intermediate Atmospheric Vent, 1982
- No. 1013 Reduced Pressure-principle backflow Preventer, Revised 1988
- No. 1015 Double Check Backflow Prevention Assembly, Revised 1988
- No. 1019 Wall Hydrants, Freeze-less, 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. 1032 Dual Check Valve Type Backflow Preventer for Carbonated Beverage Dispensers, 1980
- No. 1035 Laboratory Faucet Vacuum Breakers - ANSI Approved, 1984
- No. 1048 Double Check Detector Assembly Backflow Preventer, 1989

Said standards and specifications have been adopted by the public works commissioner. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said standards and specifications.

2. The public works commissioner shall keep a current list of all certified suppliers and their appropriate list of makes and models of backflow prevention devices that he/she has deemed approved.

3. The public works 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.

## SECTION 6-232: BACKFLOW REGULATIONS; LIABILITY CLAIMS

The public works commissioner shall be relieved from personal liability. The City shall hold harmless the public works 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 code, or by reason of any act or omission of the public works commissioner in the discharge of his/her duties hereunder. Any suit brought for carrying out the provisions of the code shall be defended by the City, or the City's insurance carrier, if any, through final determination of such proceeding.

## SECTION 6-233: PROHIBITED USES DURING EMERGENCY WATER SHORTAGE

On any occasion or time when an emergency water shortage has been declared by resolution of the Mayor and City Council, it shall be unlawful for any resident, property owner or occupant of any premises within the City to use city water for the purpose of watering lawns, gardens, ornamentals, flowers or for other outside uses after public notice of said resolution declaring the emergency water shortage.

Any resident, property owner or occupant of any premises within the City violating this section shall be notified in writing to cease immediately any such prohibited use. Failure to comply with such written notice shall be deemed a violation of this section.

## SECTION 6-234: WELLHEAD PROTECTION

“Wellhead Protection Area” means the surface and subsurface area surrounding 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.

There is hereby designated a Wellhead Protection Area for the purpose of protection of the public water system. The boundaries of the Wellhead Protection Area are set forth and delineation is based upon a map prepared by the Nebraska Department of Environmental Quality and presented to the City in 2000 and edited March 2004. The delineation encompasses approximately 960 acres in Section 15, 16, 21 and 22 in Township 31 North, Range 52 West, in Dawes County. This map shall become and is incorporated into the terms of this article as if fully set forth herein and such map shall be further identified as a Wellhead Protection Area Map – City of Crawford Ordinance No. 575.

(Added May 10, 2005, Ord. No. 575)

## SECTION 6-235: WELLHEAD PROTECTION; REGULATIONS

1. In accordance with Title 179 Chapter 7, Nebraska Department of Health: Regulations Governing Public Water Supply Systems, the minimum horizontal

distance in feet separating a city water supply well from potential sources of contamination shall be as below described:

Category	Distance Feet
Water Well	1000
Sewage Lagoon	1000
Land application of municipal/industrial waste material	1000
Feedlot or Feedlot Runoff	1000
Underground deposal system (septic system, cesspool, etc.)	500
Corral	500
Pit Toilet/Vault Toilet	500
Wastewater Holding Tanks	500
Sanitary Landfill Tanks	500
Chemical or Petroleum Product Storage	500
Sewage Treatment Plant	500
Sewage Wet Well	500
Sanitary Sewer Connection	100
Sanitary Sewer Manhole	100
Sanitary Sewer Line	50

When in the judgment of the City or the Nebraska State Department of Health, surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water in a city water supply well, the distance separating these potential sources of contamination and the well shall be greater than that listed in the above schedule.

Any person desiring to erect a new contamination source or enlarge an existing one shall file an application for a permit with the public works commissioner on a form furnished by the City for that purpose. The public works commissioner may approve a permit which conforms to the distance requirements of this section. If, however, in the opinion of the public works commissioner, the proposed use poses a risk of contaminating a city water supply well, he/she shall deny the permit. The applicant may appeal the decision of the public works commissioner to the City Council by filing an appeal with the City Clerk within 30 days of the public works commissioner's decision. Appeal of the decision of the City Council shall be to the District Court of Dawes County, Nebraska, within 30 days of the City Council's decision.

The City Council may consider location of potential contaminant sources in closer proximity than the minimum distances listed above. Approval for such location will then be given when circumstances require such location and when, in the opinion of the City Council and the Nebraska State Department of Health, a professional engineer, retained by the applicant, demonstrates that such location will not constitute a pollution hazard to the City's water supply.

Fees for contamination source permits shall be established by resolution of the City Council.

2. The provisions of these regulations shall apply to all land within the corporate limits of the City; and that portion of the unincorporated area within one mile of the corporate limits of the City.

4. The provisions of this section shall supersede any land use regulation that allows the installation of a potential contaminant source on a parcel of land. Nothing in this section shall be construed to allow the installation of any category of contamination source that is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance.

(Amended June 14, 2011, Ord. No.622)

## ARTICLE III - SEWER DEPARTMENT

### SECTION 6-301: TERMS DEFINED

"Biological oxygen demand" shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million by weight.

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

"Building or house sewer" shall mean the extension from the building drain to its connection with the main sewer.

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

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

"Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

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

"pH" shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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

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

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

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"Storm sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Suspended solids" shall mean and include solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and are removable by laboratory filtering.

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

#### SECTION 6-302: OPERATION AND FUNDING

The City owns the sewer system and operates the same through the public works commissioner. The City Council, for the purpose of defraying the cost of the management and maintenance of the 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. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The public works commissioner shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. He/she 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 City Council.

#### SECTION 6-303: SEWER CONTRACT

The City through the sewer department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The City may also furnish sewer service 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 sewer rental rates hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City to which said contract both parties are bound. If the customer 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 commissioner or his/her agent may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the public works commissioner or his/her agent.

#### SECTION 6-304: SEWER USE RATES; COLLECTED

Customers of the city sewer department shall be charged the following rates:

- A. Single Family Residence - \$50.00 per month.
- B. Commercial Business or Enterprise that is connected directly or indirectly with the city sewer system using less than 15,000 gallons of water consumption per month shall be billed \$50.00 per month. Any commercial business or enterprise which is connected directly or indirectly with the city sewer system using more than 15,000 gallons of water consumption per month shall be billed \$50.00 for that month plus any amount for any usage over 15,000 gallons based upon the water consumption rates set forth in Section 6-210 of the City of Crawford Nebraska Municipal Code. All users served within the corporate limits of the City (whose water consumption exceeds 15,000 per month) shall be charged the rate of \$1.50 per 1,000 gallons of water used.

For the purposes of this Ordinance, Section Schools shall be considered commercial businesses or enterprises.

Sewer bills shall be due and payable as set forth in Section 6-101. All penalties and procedures concerning delinquent accounts are set forth in Sections 6-102 and 6-103

(Repealed, November 23, 2004, Ord. No 571)

(Amended September 13, 2005, Ord. No 577)

(Amended October 12, 2010, Ord. No 613)

(Amended February 8, 2011, Ord. No. 617)

(Amended December 11, 2012, Ord. No. 628)

(Amended July 23, 2013, Ord. No. 630)

#### SECTION 6-305: SERVICE CONTRACTS

Contracts for sewer 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 customer shall sell, dispose or remove 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 public works commissioner who shall cause the sewer service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the public works commissioner is otherwise advised of such circumstances.

#### SECTION 6-306: UNLAWFUL DISCHARGE OF WASTES

It shall be unlawful to discharge to any natural outlet within the City or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

#### SECTION 6-307: CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Amended May 25, 2010, Ord. No. 607)

#### SECTION 6-308: MANDATORY HOOKUP

The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be located a public sanitary or combined sewer of the City, shall be allowed to continue the use of an existing septic system so long as said septic system is operating in a satisfactory manner. Should said septic system need to be replaced the owner shall be required to connect such facility directly with the proper public sewer in accordance with the provisions of this article. Prior to any conveyance of owner's property, owner shall be required to connect such facilities directly with the proper public sewer in accordance with the provisions of this article.

(Repealed May 25, 2010, Ord. No. 608)

#### SECTION 6-309: PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE

Where a public sanitary or combined sewer is not available under the provisions of Section 6-309, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 6-308, and prior to any conveyance of the property by the owner, a direct connection shall be made to the public sewer within 90 days in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be

cleaned of sludge and filled with suitable material.  
(Amended May 25, 2010, Ord. No. 609)

**SECTION 6-310: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT  
REQUIRED, FEE**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the public works commissioner. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the public works commissioner. A permit and inspection fee is on file in the City Clerk's office and shall be paid to the City at the time the application is filed.

**SECTION 6-311: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN  
EFFECTIVE; INSPECTIONS**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works commissioner. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works commissioner when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the public works commissioner. The City shall be entitled to establish, charge and collect a reasonable fee for the permit and inspection required herein. The fee shall be set from time to time by resolution of the City Council.

**SECTION 6-312: PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Nebraska Department of Health and Human Services, Regulation and Licensing Division of the State of Nebraska, and the Nebraska Department of Environmental Quality Title 124, Rules and Regulations for Design, Operation and Maintenance of Septic Tanks. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**SECTION 6-313: PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

**SECTION 6-314: PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL**

## REQUIREMENTS

No statement contained in Section 6-309 through 6-313 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

### SECTION 6-315: INSTALLATION PROCEDURE

Upon approval of the application, the City shall be responsible for tapping into the municipal main at a location chosen by the City. The customer shall be responsible for the installation of the sewer line from the municipal main to the premises to be served. The City shall install all municipal mains.

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. 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 public works commissioner 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 two inspections by the public works commissioner. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the public works commissioner 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 by the public works commissioner; provided that said rules, regulations and specifications have been reviewed and approved by the City Council.

### SECTION 6-316: INSTALLATION EXPENSE

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that directly or indirectly may be occasioned by the installation of the building sewer.

### SECTION 6-317: INSTALLATION; PERMIT REQUIRED

Any person wishing to connect with the sewer system shall make an application in writing therefor to the City Clerk. There shall be two classes of building sewer permits: (a) residential and commercial service, and (b) for service to establishments producing industrial wastes. The application shall be made on a

special form furnished by the City and shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the public works commissioner. A permit and inspection fee in an amount set by resolution of the City Council and on file in the office of the City Clerk shall be paid to the City at the time the application is filed. Sewer service may not be supplied to any house or building except upon the order of the public works commissioner and upon application and acceptance of city water service.

#### SECTION 6-318: SINGLE PREMISE

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

#### SECTION 6-319: USE OF EXISTING SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works commissioner, to meet all requirements of this article.

#### SECTION 6-320: CONSTRUCTION CODES

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the public works commissioner before installation.

SECTION 6-321: PROHIBITED DISCHARGES: STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated heating or cooling water, or unpolluted industrial waters to any sanitary sewer.

Storm-water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the public works commissioner. Industrial cooling water or unpolluted process water may be discharged, on approval of the public works commissioner, to a storm sewer or natural outlet.

SECTION 6-322: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having (a) a 5 day BOD greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the Village, shall be subject to the review of the public

works commissioner. Where necessary in the opinion of the public works commissioner, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:

- (a) Reduce the biochemical oxygen demand to 300 parts per million by weight, or
- (b) Reduce the suspended solids to 350 parts per million by weight, or
- (c) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the public works commissioner and no construction of such facilities shall be commenced until said approval are obtained in writing.

#### SECTION 6-323: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY PUBLIC WORKS COMMISSIONER

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the public works commissioner that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the public works commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 3/4 horsepower or greater shall be subject to the review and approval of the public works commissioner.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite

sewage at the sewage treatment works exceeds the limits established by the public works commissioner for such materials.

6. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the public works commissioner as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works commissioner in compliance with applicable state or federal regulations.

8. Any waters or wastes having a pH in excess of 9.5.

9. Materials that exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

10. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed; or are amenable to treatment, only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

#### SECTION 6-324: PROHIBITED DISCHARGES; PUBLIC WORKS COMMISSIONER'S DISCRETION WITH RESPECT TO

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-323, and which in the judgment of the public works commissioner may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the public works commissioner may:



1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6-329.

If the public works commissioner permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the public works commissioner and subject to the requirements of all applicable codes, ordinances and laws.

#### SECTION 6-325: GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided when, in the opinion of the public works commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the public works commissioner and shall be located as to be readily and easily accessible for cleaning and inspection.

#### SECTION 6-326: PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

#### SECTION 6-327: CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the public works commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the public works commissioner. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

#### SECTION 6-328: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

#### SECTION 6-329: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

#### SECTION 6-330: INSPECTIONS

The applicant for the building sewer permit shall notify the public works commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the public works commissioner or his/her representative.

#### SECTION 6-331: CLASSIFICATION

The City Council may classify, for the purpose of rental fees, the customers of the city sewer department; provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

#### SECTION 6-332: MANHOLES

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

#### SECTION 6-333: DESTRUCTION OF PROPERTY

No person or persons shall maliciously, willfully or negligently break, damage,

destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

#### SECTION 6-334: COMPLIANCE WITH ARTICLE; INSPECTIONS

The public works commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing system in accordance with the provisions of this article. The public works commissioner or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

#### SECTION 6-335: COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY

While performing the necessary work on private properties referred to in Section 6-334 above, the public works commissioner or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the City shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

#### SECTION 6-336: COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS

The public works commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry, and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### SECTION 6-337: SERVICE TO NON-RESIDENTS

Any person whose premise is located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the city sewer system, shall file a written application with the City Clerk for a permit for such connection and setting forth the name of the owner, occupant or lessee of the premise, the use to which the premise is devoted and such other

information as the City Council may require. The City Council may approve or deny such application in their absolute discretion. If they approve the application, they may do so by attaching whatever conditions to such approval as they determine necessary.

#### SECTION 6-338: REPAIR AND REPLACEMENT

The city sewer department may require the owner of any property that is within the City and connected to the public sewers or drains to repair or replace any connection line that serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

The City Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the public works commissioner may cause such work to be done and assess the cost upon the property served by such connection.

#### SECTION 6-339: LICENSED PLUMBER

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage, excavate any trenches for sewer pipe, open, uncover or in any manner make connection with or lay any sewer drain, or attach to, modify or repair any appurtenances without complying with the rules and regulations of the public works commissioner; provided that nothing herein shall be construed to apply to persons, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system.

#### SECTION 6-340: PLUMBER'S LIABILITY

The licensed plumber or drain layer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore to the complete satisfaction of the public works commissioner all streets that he/she has excavated and make good any settlement of the ground or pavement caused by his/her excavation.



## ARTICLE IV - GARBAGE AND REFUSE COLLECTION

### SECTION 6-401: DEFINITIONS

"Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that is intended for the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetable, and dead animals rejected by rendering plants.

"Hazardous waste" shall mean a solid waste, or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or (b) pose a substantial present or potential hazard to human or animal health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Junk" shall mean old scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof, and other old and scrap ferrous or nonferrous material.

"Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid market and industrial wastes.

"Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

"Waste" shall mean sewage, industrial waste, and all other liquid, gaseous, solid, radioactive or other substances that may pollute or tend to pollute any air, land or waters.

### SECTION 6-402: GARBAGE; TRASH AND WASTE

It shall be unlawful for any person to keep in, on or about any dwelling, building or premises, or any other place in the City, decayed vegetable or animal substance, garbage or refuse of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in receptacles not exceeding a 55 gallon capacity, sacked in durable bags of such a nature that they can be easily placed in trucks or placed in a dumpster or similar container. All persons shall have their garbage removed at least once a week by the regular city solid waste system.

(Ref. Neb. Rev. Stat. §19-2106)

#### SECTION 6-403: DEAD ANIMALS

All dead animals shall be immediately removed by the owner of such animals. If the owner of any such animal cannot be found within two hours after discovering the same, then such animal shall be removed by and at the expense of the City. Dead animals shall not be buried within the corporate limits of the City, nor within two miles thereof, nor in or above the course of groundwater that is used for drinking purposes by the City or its inhabitants.

#### SECTION 6-404: HAZARDOUS WASTE

The City and the contractor for hauling and disposing of solid waste for the City shall not be responsible for removal of hazardous waste. Hazardous waste shall not be placed in the regular disposal system. If any resident or business in the City has hazardous waste, the hazardous waste must be disposed of by a person or organization that is authorized and equipped to dispose of the same and must be disposed of in an area where hazardous waste is authorized by federal and state laws, rules or regulations. The following items are not to be disposed of in the regular disposal system or commingled with any of the items mentioned above: oil, paint, lead acid batteries, tires, fertilizer, chemicals, animal manure, household appliances, and oil waste.

#### SECTION 6-405: GARBAGE, RUBBISH AND WASTE; DEPOSIT ON OTHER PREMISES

It shall be unlawful for any person to willfully, maliciously or negligently place or throw any garbage, rubbish, waste or other matter upon the premises of another. (Ref. Neb. Rev. Stat. §19-2106, 28-523)

#### SECTION 6-406: HAULING PERMIT REQUIRED

Before any person engages in the business of hauling garbage in the City, such person shall first make application for a permit to do so and submit the equipment he/she proposes to use to inspection by the City Council. Such applicant shall also file with the City Clerk a schedule of rates he/she shall charge for such services. If the City Council shall find that such equipment consists of a vehicle suited to the purpose, and of containers which are watertight and a method of covering the same, such permit shall be issued without costs by the City Clerk and be in force for one year. In the event the City Council or Board of Health shall afterward determine that such person is using leaky containers or failing to keep the same clean, or hauling garbage in such a manner as to constitute a menace to health, such permit shall be revoked.

#### SECTION 6-407: VEHICLE SPECIFICATIONS

Before making application for a permit as hereinbefore provided, the applicant shall have his/her vehicles inspected by the City Council as provided in Section 6-407 to determine compliance with the specifications of this section. If such

vehicles comply in all respects with the specifications set forth below, the City Council shall issue a certificate of approval for such vehicles, describing and identifying the vehicles so approved.

Any vehicle used by any licensed garbage collector in collecting and hauling refuse over the streets of the City shall comply with the following specifications:

1. The vehicle shall have a watertight, metal body, fully enclosed. Watertight, as used herein, shall mean so constructed that liquid materials will not spill or be discharged therefrom between point of loading and the designated disposal ground. This shall not prohibit permit holders from having an open truck for the transporting of refuse other than garbage; provided, said truck is covered by tarpaulin or other cover approved by the Board of Health;
2. The vehicle shall be so constructed as to be readily cleaned; and
3. The vehicle shall be so constructed as to enclose materials carried in it to prevent them from falling therefrom while moving through and upon the streets of the City and to the dumping ground.

All vehicles licensed hereunder shall be kept clean and presentable as possible, both inside and outside, at all times.

#### SECTION 6-408: PERMIT REVOCATION

The permit of any garbage collector permitted to collect, haul or convey refuse or garbage for hire within the City may be revoked by the City Council upon good cause and upon failure of such permitted garbage collector for hire to comply with the garbage and health and sanitation ordinances of the City. No revocation of permit shall be made except after public hearing before the City Council with proper notice of such hearing given, stating the reasons therefor, to the permitted garbage collector of the time and date of said hearing by certified or registered mail.

#### SECTION 6-409: COLLECTION OF FEES; EXEMPTION

Each residence, occupant of a residence or owner of a residence and each business or owner of a business property shall contribute to the cost of the operation and management of said collection system. A schedule of fees shall be set from time to time by resolution of the City Council, and a copy of such schedule shall be available for viewing by the public at the office of the City Clerk during regular business hours.

Charges for trash and garbage collection will be payable in the same manner as water use fees according to Section 6-101.



No residents within the corporate limits of the City shall be exempt from any of the provisions of this ordinance.

## ARTICLE V - NATURAL GAS RATE REGULATION

### SECTION 6-501: ADOPTION OF NATURAL GAS REGULATION ACT

The provisions of Article 46, Chapter 19 of the Municipal Natural Gas Regulation Act as set forth in R.R.S. Neb. 1943, 1987 Supplement thereto and any amendments made thereto, except as otherwise provided for in this ordinance, are hereby adopted by this reference thereto and made a part hereof as fully as if set forth at length herein, except as otherwise hereinafter provided.

### SECTION 6-502: GAS RATE COLLECTION FEE

A fee of \$300.00 be and hereby is imposed for each rate filing by the city gas supplier.

## ARTICLE VI - PENAL PROVISION

### SECTION 6-601: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.