

CHAPTER 53: WATER SYSTEM

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Wayne - Public Works***WATER DIVISION*****§ 53.001 OPERATION AND FUNDING.**

The city owns and operates the City Water Division through the City Administrator. When performing duties for the Water Division, the City Administrator shall be referred to as the Water Commissioner. The City Administrator shall direct the operation of the Water Division by and through the his or her agent. The duties and responsibilities of the agent shall be determined by the City Administrator. The Council, for the purpose of defraying the cost of the care, management and maintenance of the Water Division, may each year levy a tax not exceeding the maximum limit prescribed by state law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the tax shall be known as the Water Fund and shall remain in the custody of the City Treasurer. The City Administrator, as Water Commissioner, shall have the direct management and control of the City Water Division and shall faithfully carry out the duties of his or her office. He or she shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Division, subject to the supervision and review of the Council. The Council shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the City Clerk for public inspection at any reasonable time. (2002 Code, § 82-142) (Ord. 97-5, passed 3-25-1997)

Statutory reference:

Authority to set rates for water service, see Neb. RS 16-681

§ 53.002 DEFINITIONS.

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

MAIN. Any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing water in the city.

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

SERVICE PIPE. Any pipe extending from the shutoff, stopbox or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

SUPPLY PIPE. Any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shutoff, stopbox or curb cock is located.

WATER COMMISSIONER. The City Administrator or his or her agent. (2002 Code, § 82-143)

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§ 53.003 CONSUMER'S APPLICATION.

Every person desiring a supply of water must make application to the Water Commissioner. The Water Commissioner may require any applicant to make a service deposit in such amount as he or she deems necessary subject to the review of the Council. Water may not be supplied to any house or private service pipe, except upon the written order of the Water Commissioner.

(2002 Code, § 82-144)

§ 53.004 WATER CONTRACTS; WATER SERVICE.

(A) The city, through its Water Division, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main is laid. The city may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is laid. The rules, regulations and water rates named in this chapter shall be considered a part of every application made for water service and shall be considered a part of the contract between every consumer served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by consumers and the furnishing of water service to consumers shall constitute a contract between each consumer and the city, to which contract both parties are bound. If the consumer shall violate any of the provisions of the contract or any reasonable rules and regulations the Council may adopt, the Water Commissioner or his or her agent may cut off or disconnect the water service from the building, premises or place of such violation. No further connection for water service to such building, premises or place shall again be made save or except by order of the Commissioner or his or her agent.

(2002 Code, § 82-145)

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

(2002 Code, § 82-170)

Statutory reference:

Authority to set water rates, see Neb. RS 16-681

§ 53.005 INSTALLATION PROCEDURE.

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In making excavations in streets, alleys or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley or sidewalk open at any time without a barricade and, during the night, warning lights. After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. If the excavation in any street, alley or sidewalk is left open or unfinished for a period of 24 hours or more, the Water Commissioner may 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 Water 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 customer's responsibility to notify the 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 for such installation by the Water Commissioner; provided, such rules, regulations and specifications have been reviewed and approved by the Council. All excavations are subject to § 91.079.

(2002 Code, § 82-146)

Statutory reference:

Authority to require connections, see Neb. RS 16-667

§ 53.006 SUPPLY AND SERVICE PIPES; STOPBOXES; INSTALLATION EXPENSE.

Tapping of the commercial mains shall be done by the city, and in no case shall anyone other than the Water Commissioner or his or her authorized agent tap the commercial water main. The consumer, owner or occupant shall pay the cost of furnishing and installing all supply pipes, stopboxes and service pipes from the commercial water main to the point of dispersement. The consumer shall pay the expense of procuring the services of a licensed plumber and shall pay the expense and necessary labor to bring water service from the water main to the point of dispersement.

(2002 Code, § 82-147)

§ 53.007 SUPPLY LINES, SERVICE LINES AND STOPBOXES; REPLACEMENT AND REPAIR.

All replacements and repairs to supply pipes, service pipes and stopboxes shall be made at the consumer's expense. Should any consumer fail, neglect or refuse to take steps to replace the consumer's supply pipe, service pipe or stopbox after being notified in writing by the City Clerk or his or her authorized agent to do so forthwith, water service may be cut off at the curbstop or at the main.

(2002 Code, § 82-148)

§ 53.008 CITY EQUIPMENT.

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

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CITY. The water distribution system of the city.

CUSTOMER. Any person taking water service from the city.

RESIDENCE. The premises where the customer lives, such as a dwelling, trailer, apartment or unit of a multi-family dwelling, equipped with complete kitchen facilities.

(B) *Access to city's equipment.* The customer shall, without expense to the city, permit access to all equipment and facilities owned by the city and located on the customer's premises at all reasonable hours.

(C) *Continuity of service.*

(1) The city will endeavor to supply, but does not guarantee, continuity of service of a generally accepted standard. Interruption of service for repairs, alterations, want of supply, conditions on a customer's premises dangerous to persons, the property or service of the customer or others, non-payment of the customer of amounts payable, or failure by the customer to provide means of access for obtaining regularly scheduled readings of the meter or for the testing of the city's metering equipment or prevention of fraud or abuse shall not be a breach by the city of its responsibility.

(2) The customer waives claim for, and by accepting service, releases and discharges the city for claims for and shall indemnify and save harmless the city from, any and all loss and damage arising from interruption of service, or on account of injury to persons (including death) or damage to property on the premises of a customer, or under a customer's control, unless such loss, damage or injury is the natural, probable and reasonably foreseeable consequence of the city's negligence, and such negligence is the sole and proximate cause for such loss, damage or injury.

(D) *Unlawful use of service.* In the case of tampering with meter installation or interfering with its proper functioning or any other lawful use or diversion of service by any person, or evidence of any such tampering, unlawful use or service diversion, the customer shall be liable to immediate discontinuance and to prosecution under applicable laws. The city shall be entitled to collect from customer at the appropriate rate, for all water not recorded on the meter by reason of such unlawful use or diversion, plus all expenses incurred by the city on account of such unauthorized act.

(E) *Combined residential and commercial service.* The customer in a single-family dwelling, parts of which are used for a commercial purpose, shall purchase water service under the applicable commercial rate schedule.

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(F) *Temporary service.* The currently required charge shall be made for each temporary water service connection, and the customer shall pay for the work done for the city on a cost-plus basis.

(G) *Service deposits.* The city shall require each application for water service to have a service deposit in an amount set by Council resolution. If a customer maintains a record of prompt payment for approximately two years or 24 months, the deposit shall be refunded. Prior to refunding of any deposit, there shall be deducted all delinquent water charges. The city reserves the right if delinquency occurs to require a service deposit again.

(H) *Net monthly bill.* The net monthly bill is the charge computed at the net monthly rate.

(I) *Gross monthly bill.* The gross monthly bill is the charge computed at the gross monthly rate. The gross monthly bill shall apply when payment is made after the due date.

(J) *Due date.* The due date is on the tenth day of the month following the date on which a customer's bill is computed, after which date such bill shall become delinquent and the gross monthly bill shall apply. If the tenth day falls on a Saturday, Sunday or holiday, the deadline for payment without penalty shall be extended to the next working day.

(K) *Payment.* The customer shall pay for water service monthly or at such other interval as is prescribed by the applicable rate schedule. The net bill shall apply if payment is made on or before the due date. If a bill is not paid by the due date, the gross bill shall apply and such bill shall become delinquent; and the city reserves the right to discontinue service. Discontinuance of service is governed by Chapter 51 of this code. Service disconnected for delinquency will not be reconnected until all charges, including reconnection charges, have been paid.

(L) *Reconnection charge.* If a customer whose service has been discontinued, either by his or her order or by reason of delinquency, requests a reconnection of such service within 12 months of the time of disconnection, a reconnection charge equal to the sum of the monthly minimum charges for the period of disconnection shall also be collected. The minimum reconnection charge shall be equal to the sum of three months' minimum charges.

(M) *Tax clause.* To the total of all charges for services under the appropriate rate schedule shall be added applicable existing state and city taxes, and also added shall be any new or additional taxes or increases in the rates of existing taxes imposed after the effective date of the rate schedules by any governmental authority upon service rendered by the city.

(2002 Code, § 82-155) (Ord. 97-22, passed 10-28-1997)

§ 53.009 RESIDENTIAL AND COMMERCIAL RATES.

The residential and commercial rates for water service and usage shall be established by resolution.
(2002 Code, § 82-156)

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§ 53.010 SPECIAL WATER USE.

(A) The term *SPECIAL WATER USE* shall mean any non-polluting (i.e., not in violation of governmental laws or regulations) non-domestic use of water by a customer.

(B) Special water uses shall include, but are not limited to, the following:

- (1) Irrigating lawns or gardens;
- (2) Washing personal vehicles;
- (3) Cooling water for air conditioners;
- (4) Watering livestock; and/or
- (5) General outdoor cleanup.

(2002 Code, § 82-157)

§ 53.011 SPECIAL USE APPLICATION.

Every person desiring a supply of water for special use must make application to the Water Commissioner and follow the procedures described in §§ 53.003 and 53.004(A) of this chapter.

(2002 Code, § 82-158)

§ 53.012 SPECIAL USE WATER RATE.

Upon compliance with §§ 53.010, 53.011 and 53.041(A) of this chapter, the special use water rate, established by resolution, shall be applicable.

(2002 Code, § 82-160)

§ 53.013 MINIMUM RATES.

All water consumers shall be liable for the minimum rate provided by resolution unless the consumer shall, by written order, direct the Water Commissioner to shut off the water at the stopbox, in which case he or she shall not be liable thereafter for water rental until the water is turned on again.

(2002 Code, § 82-161)

§ 53.014 LIEN.

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In addition to all other remedies, if a customer shall for any reason remain indebted to the city for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent, which is declared to be a lien upon the real estate for which the water 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 are 60 days or more delinquent. In the payment of water rent, it shall be the duty of the Water Commissioner to report to the Council a list of all unpaid accounts due for water, together with a description of the premises upon which the water was used. The report shall be examined and if approved by the 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.

(2002 Code, § 82-163)

Statutory reference:

Related provisions, see Neb. RS 16-682

§ 53.015 SINGLE PREMISES.

No consumer shall supply water to other families, or allow them to take water from his or her premises; nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment without the written permission of the Water Commissioner. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through the meter to cause the meter to register inaccurately.

(2002 Code, § 82-164) Penalty, see § 53.999

§ 53.016 RESTRICTED USE.

The Council or the Water Commissioner may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The city shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part of the system is undergoing repairs or when there is a shortage of water due to circumstances over which the city has no control.

(2002 Code, § 82-165)

§ 53.017 FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires are public hydrants. It shall be unlawful for any person other than persons authorized by the Fire Chief or Water Commissioner or their agent to open or attempt to open any of the hydrants and draw water from the hydrants or in any manner to interfere with the hydrants.

(2002 Code, § 82-166) Penalty, see § 53.999

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§ 53.018 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 Division.

(2002 Code, § 82-167) Penalty, see § 53.999

53.019 MANDATORY HOOKUP; FEE.

(A) All persons within 300 feet of a water main and located within the corporate limits of the city shall be required, upon notice by the Council, to hook up with the city water system.

(2002 Code, § 82-168)

(B) (1) The hookup fee for a residential user with the city water system and sewer system when service is not within a duly constituted water extension district, or water system dedicated to the city shall be set by the Council from time to time for each system, and each fee shall be paid in full before such connection is permitted.

(2) The hookup fee for non-residential users when the user to be served is not within a duly constituted water extension district, or water system dedicated to the city shall be a fee set from time to time by the Council for each system, and each fee shall be paid in full before such connection is permitted.

(2002 Code, § 82-169)

(Ord. 2006-14, passed 6-27-2006; Ord. 2016-10, passed 6-21-2016)

§ 53.020 INSPECTION.

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

(2002 Code, § 82-171)

§ 53.021 POLICE REPORTS.

It shall be the duty of the police to report to the Water Commissioner all cases of leakage and waste in the use of water and all violations of this code relating to the Water Division. They shall have the additional duty of enforcing the observance of all such regulations.

(2002 Code, § 82-172)

§ 53.022 DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building,

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machinery, apparatus, fixture, attachment or appurtenance of the City Water Division. No person may deposit anything in a stopbox or commit any act tending to obstruct or impair the intended use of any of such property without the written permission of the Water Commissioner.

(2002 Code, § 82-173) Penalty, see § 53.999

§ 53.023 LICENSED PLUMBER; PERMIT REQUIRED.

(A) It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks or to make any connection with or extension of the supply pipes of any consumer taking water from the system until such plumber or pipefitter shall have first procured a permit from the city. All plumbing shall be done in the manner required by the Water Commissioner.

(B) The plumber shall be at all times subject to the inspection and approval of the Water Commissioner, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

(2002 Code, § 82-174) Penalty, see § 53.999

METERS

§ 53.035 INSTALLATION EXPENSE.

(A) The city will furnish a three-fourths inch by three-fourths inch water meter and remote readout or the value of the meter and readout. The cost of installation shall be paid by the consumer.

(B) If the consumer requires a larger size water meter than three-fourths inch by three-fourths inch, the cost of installing the water meter and remote meter readout shall be paid by the consumer.

(2002 Code, § 82-149)

§ 53.036 REPLACEMENT AND REPAIR.

All replacements and repairs to water meters, that are : inch by : inch in size shall be the responsibility of the city and made at the city's expense if there is an operable indoor valve to isolate the meter. All replacements and repairs to water meters, that are larger than : inch by : inch, shall be made at the consumer's expense. If any such repair or replacement is caused by the negligence or willful act of the owner or occupant of the premises served by the meters, the cost of such repair or replacement shall be charged to such owner or occupant.

(2002 Code, § 82-150)

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§ 53.037 ACCESS.

All water meters shall be of the straight reading type, registering in gallons. All remote meter readouts are to be placed in an outside location which is readily accessible to the Water Commissioner or his or her authorized agent. The owner or tenant of premises where a water meter is located shall provide ready and convenient access to the water meter so that it may be easily examined and read by the Water Commissioner or his or her authorized agent.

(2002 Code, § 82-151)

§ 53.038 APPROVAL.

All supply pipes, service pipes, stopboxes, water meters, remote meter readouts and other required meter apparatus shall be approved as to quality and location by the Water Commissioner or his or her authorized agent. No valves, tees, take-offs or any other connections are allowed between the curbstop box and the city water meter.

(2002 Code, § 82-152; Ord. No. 2017-20, §, 7-6-2017; Ord. 2018-6, passed 4-3-2018)

§ 53.039 TESTING.

Any consumer of water from the city water system shall have the right to request the Water Commissioner, at the consumer's expense, to test, a reasonable number of times, the consumer water meter which the consumer may have reason to believe is not registering the true amount of water consumed. It shall be the duty of the Water Commissioner or his or her authorized agent, at the consumer's expense, to test the water meter as requested.

(2002 Code, § 82-153)

§ 53.040 OWNERSHIP.

Notwithstanding the fact that the city shall be paid the cost of water meters, remote meter readouts and other required meter apparatus furnished by the city and used in the conveying or metering of city water, title to all water meters shall remain vested in the city.

(2002 Code, § 82-154)

§ 53.041 BILLING.

(A) Special use water shall be separately metered and separately billed from the normal water usage. All special users shall also receive residential and commercial service. Special water usage shall be exempt from sewer charges.

(2002 Code, § 82-159)

(B) (1) Meters shall be so set that the dial or face of the meter shall be easily accessible to the Water Commissioner or his or her agent when reading or testing the meter or a remote reader shall be

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provided. Meters shall be located in meter pits or the basement, and all meters shall be sealed. No person shall deface, injure or break any seals unless authorized to do so by the Water Commissioner. Accounts between the consumer and the city shall be kept by the Water Commissioner under such bookkeeping system as shall be approved by the Council. A consumers' ledger shall be kept current with a separate account for each consumer on a separate sheet in the ledger. All meters shall be read not less often than quarterly by the Water Commissioner between the fifteenth day and the twenty-eighth day of the month. Water service meter reading shall be computed and bills made up for their collections by the Water Commissioner on or about the first day of each month.

(2) 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 the 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. Should a customer's meter fail to register properly, the customer shall be charged for water service during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided that, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Water Commissioner.

(2002 Code, § 82-162)

Statutory reference:

*Authority to assess and collect reasonable charges for use of the waterworks system, see
Neb. RS 16-682*

GROUND WATER MANAGEMENT

§ 53.055 DEFINITIONS.

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

CONSTRUCTION OF A WELL. Boring, drilling, jetting, digging or excavation, and installing casing, pumps and other devices for withdrawing or facilitating the withdrawal of ground water.

GROUND WATER. The water which occurs or moves, seeps, filters or percolates through ground water under the surface of the land.

ILLEGAL WELL.

(1) Any well operated or constructed without or in violation of a permit required by the provisions of this subchapter; or

(2) Any well not in compliance with any other applicable laws of the state or the city.

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PERSON. A natural person, partnership, association, corporation, municipality, irrigation district and any agency or political subdivision of the state.

POLLUTION OF GROUND WATER. Contamination or other alteration of the natural quality of such water, however caused, including contamination by salines, minerals, industrial wastes or sewage.

WELL. Any artificial opening or excavation in the ground through which ground water flows under natural pressure or is artificially withdrawn.

(2002 Code, § 82-187)

Statutory reference:

Similar definitions, see Neb. RS 46-706

§ 53.056 PREFERENCE.

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

(2002 Code, § 82-188)

Statutory reference:

Related provisions, see Neb. RS 46-613

§ 53.057 WELLS PROHIBITED.

It shall be unlawful for any person, other than the city, to have a well, construct a well, or repair a well within the city limits. Any existing non-conforming well shall be terminated and abandoned.

(2002 Code, § 82-189) Penalty, see § 53.999

§ 53.058 REGISTRATION.

(A) All persons having a well within the zoning jurisdiction of the city, as prescribed by Neb. RS 16-901, shall register such well with the City Clerk.

(B) Such registration shall be on a form furnished by the City Clerk and shall contain the following information:

- (1) Location of the well site;
- (2) Description of the use of the well;
- (3) Capacity of the well;

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- (4) Name of the person drilling the well;
- (5) Date the well was completed, or date to be completed;
- (6) Depth of the well; and
- (7) Type and size of the pump installed.

(2002 Code, § 82-190)

Statutory reference:

Related provisions, see Neb. RS 46-638

§ 53.059 PERMIT APPLICATION.

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

(2002 Code, § 82-191)

§ 53.060 PERMIT FEES.

The completed application for a well in which a pump of 50 gallons per minute or less capacity is to be installed, and the well is to be used for domestic use and for no other use, shall be accompanied by the current non-refundable permit application fee. The completed application for a replacement well, which replaces a well that has been properly abandoned and capped as determined by the city's designee, shall be accompanied by the current non-refundable permit application fee. Each completed application in which a pump of over 50 gallons per minute capacity is to be installed, or the well is to be used for any non-domestic use, shall be accompanied by the current non-refundable permit application fee.

(2002 Code, § 82-192)

§ 53.061 HEARING.

Council shall hold a public hearing to consider the application for any well in which a pump of over 50 gallons per minute capacity is to be installed, or the well is to be used for any non-domestic use, after which the Council shall either grant or deny the application for permit upon determination as to whether the proposed well will pollute or injure the water source for the supply of water for the city.

(2002 Code, § 82-193)

§ 53.062 EMERGENCY RESTRICTIONS

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The Mayor is authorized and empowered to declare the existence of an emergency relating to the available water supply of the city water system and to impose restrictions on the use of water during such emergency. Whenever the Mayor shall determine that the remaining available water supply is critically low, from whatever cause, the Mayor may declare the existence of an emergency and impose reasonable restrictions on the use of such water as provided in § 53.065 of this chapter. It shall be unlawful for any person to fail to observe any such restriction so imposed by the Mayor; providing, public announcement of such restriction has been made.

(2002 Code, § 82-196) Penalty, see § 53.999

§ 53.063 USE OF WATER DURING FIRE.

It shall be unlawful for any person to use water supplied by the city water system during a fire if such use is ordered discontinued by the Chief of the Fire Department or his or her authorized representative.

(2002 Code, § 82-197) Penalty, see § 53.999

§ 53.064 WATER USE RESTRICTIONS.

If the Mayor declared the existence of an emergency, he or she shall impose restrictions as provided in Phases 1 through IV as hereinafter set forth.

(A) *Phase I.* Rationed use of water for all recreational purposes, including, but not limited to, parks, baseball fields, softball fields, football fields, golf courses, soccer fields, swimming pools and private wells and rationed use of watering of trees, lawns and yards; providing that, the use of water for recreational purposes and for watering of trees, lawns and yards shall be permitted between the hours of 8:00 p.m. and 11:00 a.m.; and the use of water for such purposes shall be terminated between the hours of 11:00 a.m. and 8:00 p.m. Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.

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

(C) *Phase III.* Termination of water use for recreational purposes, including, but not limited to, parks, baseball fields, softball fields, football fields, golf courses and soccer fields. Termination of all outdoor use of water; except that, used for domestic purposes or agricultural purposes. Termination of use of water, either indoors or outdoors, for manufacturing and industrial purposes; however, manufacturing and industrial use of water shall be permitted for personal sanitation and health, in addition, all outdoor use of water shall be terminated between the hours of 8:00 a.m. and 8:00 p.m.

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Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.

(D) *Phase IV*. Termination of all use of water for all purposes, except water that shall be permitted for personal sanitation and health. A water emergency shall be declared, and the Mayor shall request assistance from state or federal governmental authorities. Watering of trees, lawns and yards shall not be deemed to be a domestic or agricultural purpose.

(2002 Code, § 82-198)

§ 53.065 TURNING OFF WATER FOR FAILURE TO OBSERVE RESTRICTIONS.

The water system may turn off the water supply to the premises of any person who does not comply with such restrictions. Such supply of water shall not again be turned on until the cost of labor in turning off and renewing such service, has been paid to the water system. Failure to comply with the water use restrictions is punishable by § 10.99.

(2002 Code, § 82-199)

§ 53.066 WELLHEAD PROTECTION AREA DESIGNATION.

(A) **WELLHEAD PROTECTION AREA** means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or wellfield.

(B) The city designates a wellhead protection area for the purpose of protecting the public water supply system. The boundaries of the wellhead protection area are on the map attached to the ordinance codified herein.

(2002 Code, § 82-200) (Ord. 2001-17, passed 10-30-2001)

§ 53.067 DRILLING AND OPERATING WELLS AND UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL.

It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits or zoning jurisdiction of the city, without first having obtained the proper permit from the governing body of the city: potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage well.

(2002 Code, § 82-201) (Ord. 2001-17, passed 10-30-2001) Penalty, see § 53.999

§ 53.068 UTILIZING THE GEOTHERMAL PROPERTIES OF THE GROUND.

In the event a geothermal well is drilled, a closed loop system - drilled well shall be required with

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the following conditions:

- (A) Joints must be made by heat fusion.
- (B) Antifreeze must be food grade substance.
- (C) Wells must be sealed from bottom to top with a cement slurrice.
- (D) Piping will consist of polybutylene or polyethylene pipe.
- (E) Will be located no closer than 100 feet to the city's drinking water source.
(2002 Code, § 82-202) (Ord. 2001-17, passed 10-30-2001; Ord. 2005-23, passed 8-30-2005)

§ 53.069 PROCEDURE TO OBTAIN PERMIT.

In order to obtain a permit to drill and/or operate any of the facilities listed in §§ 53.066 and 53.067 of this chapter, the owner of the property on which the proposed facility is to be located must make application on the proper form provided by the governing body of the city. Such application must be presented to the Water Commissioner. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, the Water Commissioner must approve or deny said permit.
(2002 Code, § 82-203) (Ord. 2001-17, passed 10-30-2001)

§ 53.070 DRILLING OR INSTALLING OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES PROHIBITED.

(A) Under no circumstances shall the City Council approve any permit to drill or operate any of the below-described facilities within the indicated number of feet from the city's municipal water wells:

- (1) Potable water well: within 1,000 feet;
- (2) Closed loop geothermal well: within 100 feet;
- (3) Any other well: within 1,000 feet;
- (4) Sewage lagoon: within 1,000 feet;
- (5) Absorption or disposal field for water: within 500 feet;
- (6) Cesspool: within 500 feet;
- (7) Dumping grounds: within 500 feet;
- (8) Feedlot or feedlot runoff: within 500 feet;

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- (9) Livestock pasture or corral: within 500 feet;
- (10) Chemical product storage facility: within 500 feet;
- (11) Petroleum product storage facility: within 500 feet;
- (12) Pit toilet: within 500 feet;
- (13) Sanitary landfill: within 500 feet;
- (14) Septic tank: within 500 feet;
- (15) Sewage treatment plant: within 500 feet; and
- (16) Sewage wet well: within 500 feet.

(B) These footages are taken from Neb. Dept. of Health & Human Services, Title 179, Ch. 2, and will change automatically if said provisions are revised.
(2002 Code, § 82-204) (Ord. 2001-17, passed 10-30-2001)

BACKFLOW PREVENTION

§ 53.085 TITLE.

This subchapter shall be known as the ABackflow Prevention Ordinance.@
(2002 Code, § 82-211)

§ 53.086 DEFINITIONS.

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

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

ANTI-SIPHON VACUUM BREAKER. A device which restricts the backflow of water into a potable water system by a simple checkvalve. The vacuum is broken by allowing air to enter upstream of the checkvalve.

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APPROVED. A backflow prevention device or method has been accepted by the Water Commissioner as being suitable for the intended use.

AUXILIARY WATER SYSTEM. Any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These **AUXILIARY WATER SYSTEMS** may include water from another owner's public water supply system; polluted or contaminated water, process fluids; used water; or other sources of water over which the owner of the public water supply system does not have sanitary control.

BACKFLOW or BACKSIPHONAGE. 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. Any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double checkvalve assembly, anti-siphon vacuum breaker or reduced pressure principle devices can be used which have been approved by the Water Commissioner.

CONSUMER. 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. Any water supply system located on the consumer's premises, supplied directly or indirectly by or in any manner connected to a public water supply system. A household plumbing system is considered to be a **CONSUMER'S WATER SUPPLY SYSTEM**. A fire suppression system is also considered a **CONSUMER'S WATER SUPPLY SYSTEM**. A privately owned distribution piping network which serves one or more consumers, including subdivisions, mobile home parks and the like, is considered to be a **CONSUMER'S WATER SUPPLY SYSTEM**.

CONTAMINATION. An impairment of the quality of the water by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION. Any arrangement whereby contamination due to backflow or backsiphonage can occur.

DEGREE OF HAZARD. Derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

DOUBLE CHECKVALVE ASSEMBLY. An assembly composed of two single, independently acting, checkvalves, including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the water-tightness of the consumer.

HEALTH HAZARD. 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.

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INTERCHANGEABLE CONNECTION. An arrangement or device that will allow alternate but not simultaneous uses or two sources of water.

LICENSED PLUMBER. A person which has obtained the appropriate permit or registration from the city to perform plumbing-related work within the city limits.

NON-POTABLE WATER. Water not safe for drinking, personal or culinary use, or which does not meet the requirements of the State Department of Health and Human Services.

PERSON. The state, any political subdivision, public or private corporation, individual, partnership or other legal entity.

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

POLLUTION HAZARD. 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. Water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the State Department of Health and Human Services.

PUBLIC WATER SUPPLY SYSTEM. A water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. The ***WATER SUPPLY SOURCE*** is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

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

SERVICE CONNECTION. The terminal end of a service line from the public water system. If a meter is installed at the end of the service, the ***SERVICE CONNECTION*** means the downstream end

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of the meter.

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

WATER COMMISSIONER. The City Administrator or his or her authorized representative.
(2002 Code, § 82-212)

§ 53.087 RESPONSIBILITY.

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

(2002 Code, § 82-213)

§ 53.088 POLICY AND PURPOSE.

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

(B) The Water Commissioner shall be responsible for the implementation of the backflow prevention program as outlined within this subchapter. If, in the judgment of the Water Commissioner, an approved backflow prevention device is required for the safety of the public water supply system, such shall give notice in writing to the consumer to install such device at each recommended location. The Water Commissioner shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double checkvalves and reduced pressure zone devices shall be performed at the expense of the consumer by a state-certified Grade VI water operator. The results of all tests performed shall be filed with the Water Commissioner within ten days of completion. If deemed necessary, the consumer shall be contacted and issued an order to make all necessary repairs or maintenance. The consumer shall complete all maintenance or repairs within 30 days; if not, the consumer shall be considered in violation of this subchapter and will be subject to disconnection of the service as provided in § 53.999.

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(C) No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless such cross-connections are abated or controlled in accordance with this subchapter, and as required by the laws and regulations of the State Department of Health and Human Services.

(D) For the purposes of this subchapter, whenever the Water Commissioner is to make any decision or interpretation, or whenever reference is made to the fact that the Water Commissioner is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this subchapter, any other applicable provisions of this code, and state and federal law.

(2002 Code, § 82-214) Penalty, see § 53.999

§ 53.089 SURVEYS AND INVESTIGATIONS.

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

(B) On request by the Water Commissioner, the consumer shall furnish the Water Commissioner information on water use practices within the consumer's premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the Water Commissioner shall treat the premises as if no appropriate cross-connection survey has been completed; and, in such event, the consumer shall be required to install an approved backflow prevention device as required in § 53.090 of this chapter.

(C) The Water Commissioner shall have the right to enter premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect the premises, the Water Commissioner shall give notice setting forth a proposed date and time to the consumer at least ten days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the Water Commissioner and arrange for another date and time for the inspection. If the Water Commissioner and the consumer cannot agree on a date and time, the Water Commissioner shall treat the premises as if no appropriate cross-connection survey has been completed; in such event, the consumer shall be required to install an approved backflow prevention device as required in § 53.090 of this chapter.

(D) The Council is appointed as a hearing board to hear differences between the Water Commissioner and the consumer on matters concerning interpretation and execution of the provisions of this division (D) by the Water Commissioner. Any consumer aggrieved by being required to pay the expense of installing, furnishing, testing and/or maintaining a backflow prevention device may, within

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14 days of the act or event causing the grievance, request a hearing in writing to present those grievances to the Hearing Board. The Hearing Board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven days and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance, and the Water Commissioner shall be entitled to respond thereto; whereupon, the Hearing Board shall render its decision, which will be binding upon the consumer and the Water Commissioner.

(2002 Code, § 82-215)

§ 53.090 WHERE PROTECTION IS REQUIRED.

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

(B) An approved backflow prevention device shall be installed when the following conditions are found by the Water Commissioner to exist:

(1) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to a public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from a public water supply system which are no longer under the sanitary control of the consumer;

(2) Premises having internal cross-connections that, in the judgment of the Water Commissioner, are not correctable, or there exists intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

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

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

(5) Premises having more than one customer service connection which could constitute a potential cross-connection.

(C) An approved backflow prevention device shall be installed on each service line to a consumer's water supply system or such other location deemed appropriate by the Water Commissioner serving the following types of facilities unless the Water Commissioner determines that no health, pollution or system hazard to the public water supply system exists:

(1) Hospitals, mortuaries, dental clinics, nursing and convalescent homes and medical buildings;

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- (2) Testing laboratories, film laboratories and film development facilities;
 - (3) Sewage treatment plants, sewage pumping stations or storm water pumping stations;
 - (4) Food or beverage processing plants;
 - (5) Chemical plants;
 - (6) Metal decreasing, plating industries, machine tool plants, dye and metal processing or production;
 - (7) Chemical and petroleum processing or storage plants;
 - (8) Car washes and automobile servicing facilities;
 - (9) Lawn irrigation systems and swimming pools;
 - (10) Laundries and dry cleaners;
 - (11) Packinghouse;
 - (12) Power plants;
 - (13) Premises having radioactive materials such as laboratories, industries and hospitals;
 - (14) Rendering plants;
 - (15) Premises having water recirculating systems as used for boilers or cooling systems;
 - (16) Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards and pet grooming salons;
 - (17) Beauty salons, barbershops, massage parlors and health clubs;
 - (18) Fire suppression systems;
 - (19) Multi-storied buildings greater than three stories in height;
 - (20) Schools, universities and colleges; and
 - (21) Other commercial or industrial facilities which may constitute potential cross-connection.
- (2002 Code, § 82-216)

§ 53.091 TYPE OF PROTECTION REQUIRED.

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(A) The type of protection required under § 53.090(A) and (B) of this chapter shall depend on the degree of hazard that exists as follows.

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

(2) An approved double checkvalve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

(3) An approved reduced pressure principle backflow prevention device shall be installed at the service connection where there exists a plumbing hazard.

(4) In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

(B) An approved 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 least 18 inches above the highest point reached by any water passing through the potential source of contamination. Typically, this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

(2002 Code, § 82-217)

§ 53.092 BACKFLOW PREVENTION DEVICES.

(A) Any approved backflow prevention device required by § 53.090 of this chapter shall be installed at a location and in a manner approved by the Water Commissioner. The consumer, at his or her sole expense, shall obtain and install approved backflow prevention devices within 90 days of notice and as directed by the Water Commissioner.

(B) Existing backflow prevention devices approved by the Water Commissioner prior to the effective date of the ordinance from which this subchapter derives and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of division (A) above, but only if the Water Commissioner determines that the devices will satisfactorily protect the public water supply system; and 100% closing shutoff ball valves for testing shall be provided on existing backflow prevention devices if deemed necessary for proper testing by the Water Commissioner. If deemed necessary by the Water Commissioner that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

(2002 Code, § 82-218)

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

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

(2002 Code, § 82-219) Penalty, see § 53.999

§ 53.094 YARD HYDRANTS.

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

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

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

(2002 Code, § 82-220) Penalty, see § 53.999

§ 53.095 FIRE SUPPRESSION SYSTEM.

(A) All proposed installations of fire suppression systems shall be reviewed by the Water Commissioner to determine the appropriate type of backflow prevention device required.

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

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

(D) All existing fire suppression systems shall meet the requirements of divisions (B) or (C) above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine

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whether pharmaceutical grade antifreezes have been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical grade antifreezes have been used, a reduced pressure principle backflow prevention device shall be installed as approved by the Water Commissioner. This also shall be done at the expense of the consumer.

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

(2002 Code, § 82-221)

§ 53.096 APPROVAL STANDARDS.

(A) (1) Any backflow prevention device required in this subchapter shall be of a model and size approved by the Water Commissioner. The term ***APPROVED BACKFLOW PREVENTION DEVICE*** shall mean a device that has been manufactured in full conformance with the standards established 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:

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

(2) These standards and specifications have been adopted by the Water Commissioner. Final

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approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with these standards and specifications.

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

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

(2002 Code, § 82-223)

§ 53.097 LIABILITY CLAIMS.

The Water Commissioner shall be relieved from personal liability. The city shall hold harmless the Water Commissioner, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this subchapter, or by reason of any act or omission of the Water Commissioner in the discharge of his or her duties under this subchapter. Any suit brought carrying out the provisions of this subchapter shall be defended by the city, or the city's insurance carrier, if any, through final determination of such proceeding.

(2002 Code, § 82-224)

§ 53.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code.

(B) (1) Any person who violates any of the provisions of §§ 53.055 through 53.066 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished pursuant to § 10.99 of this code.

(2002 Code, § 82-194)

(2) If any well is planned or constructed in violation of §§ 53.055 through 53.066 of this chapter, the city, in addition to all civil remedies, may institute appropriate action to prevent such unlawful construction and to prevent the use of such well, including injunctive relief.

(2002 Code, § 82-195)

(C) Any person, corporation or other legal entity found violating any provision of §§ 53.067 through 53.071 of this chapter shall be subject to a fine, not to exceed \$100. The continuation of a violation of

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§§ 53.067 through 53.071 of this chapter shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the city may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the state or other authority having jurisdiction over such matters.

(2002 Code, § 82-205)

(D) (1) The Water Commissioner shall deny or discontinue, after notice to the consumer, the water service to any premises wherein:

(a) Any backflow prevention device required by §§ 53.085 through 53.097 of this chapter is not installed or maintained in a manner acceptable to the Water 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 § 53.093 of this chapter is not installed and maintained in working order; or

(e) The Water Commissioner is denied entry to determine compliance with §§ 53.085 through 53.097 of this chapter.

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

(3) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with §§ 53.085 through 53.097 of this chapter and to the satisfaction of the Water Commissioner.

(2002 Code, § 82-222)

(Ord. 2001-17, passed 10-30-2001)