

## CHAPTER 23

### WATER

#### Article

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#### ARTICLE 1

### WATER LINES; METERS

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**23-1-1. Public water system; extension; expense.**

The cost of all water mains constructed or extended by the City, or by a contractor for the City, within the corporate limits of the City shall, to the extent of special benefits to lands and lots abutting upon any street, avenue or alley, or part thereof, within which the main or lateral has been constructed, be assessed to such abutting lands and lots. Provided, water mains of the City may, with the consent of the City Council, be extended by and at the expense of an individual, firm or corporation for the purpose of providing water service to an area within the corporate limits of the City, or an area outside of and not subject at that time to being brought within the corporate limits of the City either by voluntary action of the owner or by annexation. (Ord. 1873, 1970; Ord. 1116)

**23-1-2. Mains; ownership.**

All water mains constructed or extended by the City shall be and remain the property of the City, unless the City Council in a proper case shall make an order concerning their transfer. Water mains not constructed or extended by the City but connected with a water main of the City shall not become the property of the City unless a transfer thereof to the City be accepted by the City Council, or unless such main shall have been constructed or extended within the right-of-way of a public street or alley of the City, or within an area that subsequently becomes the right-of-way of a public street or alley of the City. If constructed or extended within the right-of-way of a public street or alley of the City, the main shall at that time become, without a formal transfer and without expense to the City, the property of the City, unless the City Council shall otherwise order. If constructed or extended within an area that subsequently becomes the right-of-way of a public street or alley of the City, the main shall, at the time when the area becomes such right-of-way, become, without a formal transfer and without expense to the City, the property of the City, unless the City Council shall otherwise order. For the purpose of this section, a public alley or street of the City shall include not only a public street or alley within the corporate limits, but also a public street or alley that is outside the corporate limits but the right-of-way of which is owned by the City. (Ord. 1873, 1970; Ord. 1116)

**23-1-3. Same; private construction; permission; effect.**

Permission by the City to construct or extend mains that do not at the time of construction or extension become the property of the City, or to make connections from premises outside the corporate limits, shall not entail any obligation on the part of the City to construct, extend or maintain mains or laterals to supply water to the mains in respect of which the permission was granted, or to premises not within the corporate limits. (Ord. 1873, 1970; Ord. 1116)

**23-1-4. Same; plans; specifications; maintenance; damages.**

Water mains that are to be constructed or extended, whether by the City or by an individual, firm or corporation at his, her, or its own expense, for the purpose of carrying water supplied by the City shall reasonably conform to the general plans, specifications and purposes of the City water system as determined by the City Council. Mains not the property of the City but carrying water supplied by the City shall be maintained in good repair by the owners or, as the case may be, the users of water carried thereby, without expense to the City, and the owners and users shall be liable to the City in damages for any injury the City, or persons to whom water is supplied by the City, may sustain as a result of a failure to comply with this requirement. (Ord. 1873, 1970; Ord. 1116)

**23-1-5. Mains; abutting, adjacent premises; connection.**

All plumbing in or on:

(1) premises abutting upon a street or alley, or abutting upon or adjacent to a strip of land which is subject to an easement for water mains in which, opposite the premises, there is situated a water main, or

(2) premises which themselves are subject to such an easement, if there is situated within the area subject to the easement a water main or lateral, shall be connected to such main or lateral.

Any premises which is required to be connected to a public water main shall be connected within five (5) years after the owners of such premises are ordered to do so by the City Manager or his designee. Provided however, that if at any time during the five year period the ownership of the premises, or any interest therein or any part thereof is transferred by conveyance, inheritance or otherwise to any person (other than to a bona fide lienholder), who was not an owner of the premises at the time the order was given, the premises shall be connected to a city water main within ninety (90) days after the date of the transfer. This paragraph shall have no application to any premises upon which a building permit for any building which will have running water is issued after the effective date of this ordinance. (Ord. 3601, 1998)

**23-1-6. Same; exception; application.**

If no building on the premises which requires a water supply is situated less than three hundred (300) feet from the nearest water main, and water to a building situated beyond that distance is supplied by a well on the same premises that meets the requirements of the rules and regulations of the Department of Health of the State of Nebraska, as determined by the Planning and Building Official, plumbing in such building need not be connected to the water main so long as both of such conditions continue to exist. A determination whether such conditions exist shall be made by the Planning and Building Official upon a written application, which shall be in such form as the Planning and Building Official prescribes, be signed by the owner of the premises and be filed with the Planning and Building Official. (Ord. 2637, 1981; Ord. 1873, 1970; Ord. 1116)

**23-1-7. Same; permit; issuance.**

Upon the filing of an application as provided in section 23-1-6, the Planning and Building Official shall determine whether the conditions prescribed by that section exist and, for this purpose, may cause a survey to determine distance and test(s) of the well to be made, unless the owner shall provide information which the Planning and Building Official deems sufficient, and the reasonable expense of such survey and test(s), if ordered, shall be paid by the owner to the City before a permit to defer connecting to the water main may be issued.

If the Planning and Building Official shall determine that the conditions prescribed by section 23-1-6 exist, and the owner shall have paid to the City the expense of a survey or test(s) of the well ordered by the Planning and Building Official, the Planning and Building Official shall issue to the owner of the premises a permit to defer connecting the plumbing in the building to the water main so long as the conditions prescribed by that section continue to exist. (Ord. 2637, 1981; Ord 1873, 1970; Ord. 1116)

**23-1-8. Same; subsequent inspections, tests; revocation of permit.**

The Planning and Building Official, or his or her authorized designee, shall have a right at any reasonable time to enter and inspect the premises and to cause tests of the well to be made, for the purpose of determining whether the well is continuing to comply with the condition in section 23-1-6. If the Planning and Building Official, after notice to the owner and a hearing, shall determine that the building or, as the case may be, the well has ceased to comply with the conditions in that section, the Official may revoke the permit, and the owner shall thereupon cause the plumbing to be connected to a water main. (Ord. 2637, 1981)

**23-1-9. Same; nonabutting premises; connection.**

If premises are not located in relation to a water main as described in section 23-1-5, but the owner desires to have the premises connected with the City water system, and application therefor is made and granted as provided in this Article, the City Manager, or the designee of the City Manager, shall install such a connection on the conditions and in the manner hereinafter set forth. (Ord. 2678, 1981)

**23-1-10. Same; annexable premises; connection.**

No water main of the City shall be constructed or extended to serve, and no connection shall be made to a water main of the City from, premises that are outside the corporate limits of the City but that are subject at that time to being brought within the corporate limits by voluntary action of the owner or by annexation. (Ord 2678, 1981)

**23-1-11. Same; annexed premises.**

Anything in this Article to the contrary notwithstanding, in the case of premises that have been annexed to the corporate limits of the City since January 1, 1956, or that shall be annexed subsequent to December 29, 1981, all plumbing on the premises shall be connected as provided in section 23-1-5, unless the premises were connected prior to annexation to a well on the premises to which they have remained connected, if and so long as such well is approved by the Health Department of Scotts Bluff County. (Ord. 2709, 1981)

**23-1-12. Premises outside corporate limits; connections; conditions; disconnection.**

Connections may be made to a water main of the City from premises that are outside the corporate limits of the City and are not subject at that time to being brought within the corporate limits either by voluntary action of the owner or by annexation, and water from such mains so connected may be used, on the terms and conditions set forth in the succeeding sections of this Chapter. Provided, the City Council from time to time may adopt such different or additional terms and conditions governing the connection to and use of water from such mains as in its judgment are necessary or proper, and are according to law; and such additional terms and conditions shall be applicable to connections that have been made prior, as well as to those that may be made subsequent, to the

adoption of such terms and conditions. Provided, further, if the City Council shall determine that the water system of the City has become inadequate to supply water to premises outside the corporate limits of the City, or, if premises become subject to being brought within the corporate limits of the City by voluntary action of the owner but the owner, after being requested by the City, fails or refuses to plat and dedicate such premises as an addition to the City, the City Manager may disconnect the service line to such premises from the main of the City. (Ord. 1873, 1970; Ord. 1116)

**23-1-13. Same; service lines; specifications; expense, damages.**

Service lines outside the corporate limits of the City that are, or are to be, connected to a main carrying water supplied by the City shall meet such specifications and be constructed in such manner as shall reasonably conform, as the City Manager, or the designee of the City Manager, shall determine, to the general plans, specifications and purposes of the City water system. They shall be constructed by the intended owners or users without expense to the City, and shall be maintained in good repair by the owners or, as the case may be, users without expense to the City. The owners and users shall be liable to the City in damages for any injury the City, or persons to whom water is supplied by the City, may sustain as a result of failure to comply with this requirement. (Ord. 1873, 1970; Ord. 1116)

**23-1-14. Separate premises; service lines; meters.**

Each separate premises shall be supplied with water through a separate service line and separate meter. For purposes of this Chapter, each dwelling house and its appurtenances, each apartment house, and each business building shall constitute a separate premises. Provided, two (2) or more dwellings or apartment houses or no more than two (2) business buildings (together with their appurtenances) situated on a single lot or tract of land under common ownership may, at the election of the owner, constitute a single premises for purposes of this Chapter. However, if the business buildings are leased, sold or are transferred in any way, or the single lot or tract of land is subdivided and no longer commonly owned, then each business building will be deemed a separate premises and be supplied with water through a separate service line and separate meter. Provided further, distinct businesses in one business building shall constitute separate premises, except that in a planned business center which is authorized and constructed in accordance with Chapter 25, more than one (1) distinct business, whether in the same or separate building(s), may be supplied with water through a common service line if separate meters are installed for each business. Provided, further, where a business building and residence both occupy the same lot and are occupied by the same person, such business building and residence shall constitute but one premises. (Ord. 2947, 1985; Ord. 4120, 2014)

**23-1-15. Fire main; connection; permit; maintenance expense.**

Proprietors of business establishments in which are installed fire hydrants and hose couplings, or a fire sprinkler system, may connect such hydrants or sprinkler system by fire mains to the water mains at their own expense upon application to the City Manager, or the designee of the City Manager, and under the supervision of that individual. Such connections shall be kept in good repair without cost to the City. (Ord. 3445, 1995)

**23-1-16. Premises within corporate limits; connections; application.**

If the owner of premises situated within the City desires to have plumbing in or on the premises

connected with a water main of the City water system, such owner, or a contractor of the owner with the consent in writing of the owner, shall file with the City Manager, or the designee of the City Manager, an application in writing requesting such connection, and installation of a meter. (Ord. 1873, 1970; Ord. 1116)

**23-1-17. Premises outside corporate limits; connection; approval.**

Connections to a water main of the City from premises that are outside the corporate limits of the City and are not subject at that time to being brought within the corporate limits of the City may be made only after obtaining approval of the City Council, and complying with the other conditions set forth in this and succeeding sections of this Article and of Chapter 21, as amended. Subsequent extensions of or additional connections to such mains or laterals may be made only after obtaining approval of the City Manager, or the designee of the City Manager, and complying with the other conditions set forth in this and succeeding sections of this Article and of Chapter 21, as amended. If the line to be connected is a service line, application for a permit to connect shall, after approval of the application by the City Council, or, as the case may be, the City Manager, also be filed with the Plumbing Inspector.

**23-1-18. Same; application; form; content.**

Application for a permit to connect to a water main of the City a main, lateral or service line from premises outside the corporate limits of the City, or to extend or make additional connections to a main outside the corporate limits of the City which has been connected to a water main of the City, shall be made in writing and filed with the Plumbing Inspector. The application, if for a permit to connect or extend a main, shall be signed by the owner of the main, and shall be accompanied by complete plans and specifications of the water system proposed to be connected or extended, which shall show the location, grade, size, type of material, and number of connections of the proposed system, the ground level, and the type of occupancy of the premises. If the application is for a permit to connect a service line, the application shall be signed by the owner of the premises to be served, or by his or her contractor with the consent of the owner in writing, and shall include a request that a meter be installed. (Ord. 1873, 1970; Ord. 1116)

**23-1-19. Same; application; prior approval.**

The application to connect or extend a water main which is referred to in section 23-1-18 shall not be approved except after approval by the City Manager or the designee of the City Manager, of the plans and specifications accompanying the application, and the construction.

**23-1-20. Application to connect; fees.**

Before a permit to connect to a water main of the City shall be issued, all applicable fees provided in Chapter 6, Article 6 shall be paid. All fees shall be placed in the water fund of the City, and shall not be subject to refund. (Ord. 3195 § 1, 1991.)

**23-1-21. Same; fees; determination.**

The amount of the fee which, by the terms of this Article, is to be determined as provided in the present section, shall be such amount as the City Council, by a resolution of general applicability, shall have determined to represent the reasonable cost to the City of labor, material, equipment and equipment use to be furnished in tapping a main, installing the part of the connection situated within

any street, alley or strip of land subject to an easement for purposes of a public water main, and installing the meter and remote reader. (Ord. 2455, 1979; Ord. 1116)

**23-1-22. Taps, installation.**

Once a permit to tap a water main of the City has been granted the City Manager, or the designee of the City Manager, shall tap the main and install any part of the water connection that is within the right-of-way of the City street, alley or easement for water main. Provided, the installation may be made by a master plumber licensed by the City under the supervision of the City Manager, or the designee of the City Manager. The water connection shall use copper or PVC C-901 tubing not less than one inch in diameter between the water main and the curb stop, corporation cock, ferrule or curb stop box, and shall include other attachments and devices as may be necessary and proper. (Ord. 3195, 1991)

**23-1-23. Same; planned unit development.**

Anything in section 23-1-22 to the contrary notwithstanding, if a connection is to be made to property concerning which the Planning Commission shall have issued a special permit authorizing the development of a planned unit development as provided in Chapter 25, the City Council may, with respect to such development, or a part thereof, waive or modify the requirement in section 23-1-22 concerning the minimum diameter of water connections between the main or lateral and the curb stop to permit connections not less than three-quarters (3/4) inch in diameter. (Ord. 3044, 1987)

**23-1-24. Other connections; installed by whom.**

No other connections to mains of the City, or which are situated within a street or alley of the City or in a strip of land in respect of which there exists an easement for public water mains or laterals, shall be made except by the City Manager, or the designee of the City Manager, or under the supervision of the City Manager, or the designee of the City Manager, by a master plumber licensed by the City.

**23-1-25. System to be connected; inspection; notice.**

Such employee of the City as the City Manager shall designate shall have authority to inspect the construction of water lines and other parts of a water system proposed to be connected to a main of the City or which is situated in a street or alley of the City or in a strip of land in respect of which there exists an easement for public water mains or laterals, to determine whether such line and other parts of the system comply with the plans and specifications as approved, and with good engineering practice as to matters not specified. For this purpose, such officer or employee shall have the right to enter the premises on which the system to be connected, or any part thereof, is situated. If such construction shall not conform to the plans and specifications as approved, and with good engineering practice as to matters not specified, the City Manager, or the designee of the City Manager, shall so notify the person to whom a permit to connect was issued.

**23-1-26. Connections; maintenance; repair.**

The City Manager, or the designee of the City Manager, shall, at the expense of the City, maintain and repair and, when necessary or proper, replace such part of the water connection extending from the main to and including the curb stop and curb stop box as is situated within a public street or alley of the City or a strip of land which is subject to an easement for a public water main.

**23-1-27. Service lines; leaks; shut off; repair.**

If any leak or break in any service line occurs between the curb stop box and the meter on premises of the consumer, the City Manager, or the designee of the City Manager, shall forthwith shut off the water supply to such premises until such leak or break has been repaired by the consumer or owner.

**23-1-28. Meters; application; expense; installation.**

Application for installation of a meter shall be made in writing to the City Manager, or the designee of the City Manager, by the owner of the premises or his or her contractor, and shall be accompanied by payment of an amount equal to the cost to the City of the meter and of the installation thereof, as determined by the City Manager, or the designee of the City Manager. The City Manager, or the designee of the City Manager, shall install a meter when the application therefor shall have been approved and the amount of the cost shall have been paid. The meter shall be installed in the service line.

**23-1-29. Same; specifications.**

All water meters installed in the water system of the City shall be three-fourths (3/4) inch or larger, shall measure in terms of gallons of water consumed, and shall be of a uniform standard quality of a type and kind approved by the City Manager, or the designee of the City Manager. Provided, in a planned business center district in accordance with the requirements of Chapter 25, a business having five or fewer plumbing fixture units may be served by a five-eighths (5/8) inch by (3/4) inch meter and a (3/4) inch water service. (Ord. 2947, 1985)

**23-1-30. Same; freezing; wrongful damage.**

Every consumer shall protect the meter against damage by freezing. If a meter shall be damaged by freezing, or by the negligence or wilful act or conduct of the consumer, the expense of repairing such damage shall not be paid by the City but shall be charged to and paid by such consumer. (Ord. 1873, 1970; Ord. 1116)

**23-1-31. Same; tests.**

All water meters may be tested at the expense of the City at reasonable times either at the instance of the City or at the request of the consumer. (Ord. 1873, 1970; Ord. 1116)

**23-1-32. Demolition, removal of building; disconnection; reconnection.**

Demolition or removal of a building containing plumbing which is connected to the City's water system shall not be commenced until the owner shall have notified the City Manager, or the designee of the City Manager, of an intention so to do, and the City Manager, or the designee of the City Manager, shall have disconnected and plugged the service line. Before reconnecting such premises to the water system the City Manager, or his or her designee, shall determine whether the service line complies with the minimum requirements of this Chapter. If the service line does not comply with such requirements, the premises shall not be reconnected until a service line complying with such requirement shall have been installed by the owner of the premises, and an application to connect the line shall have been filed and approved as in the case of connection of a service line to the premises in the first instance.



## ARTICLE 2

### WATER SERVICE

#### Section

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#### **23-2-1. Meter system; established.**

All water furnished by the City water system to private consumers shall be furnished through a meter, except as hereinafter otherwise provided, and at the rates hereinafter set forth. (Ord. 1873, 1970; Ord. 1116)

#### **23-2-2. Water service rates.**

Each user of the City water system located within the City limits shall pay charges based on bimonthly consumption as provided in Chapter 6, Article 6. (Ord. 3395, 1994)

#### **23-2-3. Same; minimum charges.**

Each user of the City water system located within the City limits shall pay minimum bimonthly charges as provided in Chapter 6, Article 6. (Ord. 3395, 1994)

#### **23-2-4. Water service; application for.**

Each person or persons, company or corporation desiring a supply of water must make application

therefor to the City Manager, or the designee of the City Manager upon blanks to be furnished by him or her for that purpose. The applicant shall also furnish any and all additional information relative to the water connection and the plumbing in connection therewith as the City Manager, or the designee of the City Manager, may require. All applications must be made by the owner of the premises to which the water is to be delivered, or by the owner's duly authorized agent. (Ord. 1873, 1970; Ord. 1116)

**23-2-5. Water for construction use; meters; charges.**

Any property owner or contractor desiring water for construction purposes shall make application therefor in writing to the City Manager, or the designee of the City Manager. Such water shall be supplied through a meter unless the City Manager, or the designee of the City Manager, shall determine that there exist practical difficulties which render the use of a meter not reasonably possible. Where the use of a meter has been so determined not to be reasonably possible, the City Manager, or the designee of the City Manager, using proper data and methods, shall estimate the quantity of water so used. Provided, the minimum charge for water supplied for such purpose during each bimonthly period, or fraction thereof, shall be an amount equal to the minimum charge for forty thousand (40,000) gallons as provided in this code. (Ord. 3563, 1997)

**23-2-6. Meters, reading.**

All meters of consumers shall be read by the City Manager, or his or her designee, not less than one (1) time during each period for which water service charges are payable. All meter readings shall be recorded on standard forms in a book of original entry that the City Manager, or the designee of the City Manager, shall keep or cause to be kept for that purpose. Should any meter become out of repair and fail to register properly, or not be readable for any other reason, the consumer shall be charged for the quantity of water shown by the meter reading for the corresponding period of the previous year on the same premises. Provided, when no water was provided and billed for such premises for the corresponding period of the previous year, the consumer shall be charged on the basis of the meter reading for comparable uses during the same period in the City.

**23-2-7. Access to meters, pipes, fixtures, entry on premises.**

The consumer shall provide ready and convenient access to the meter or, as the case may be, the remote reader so that it may be easily examined, read and maintained by the City Manager, or the designee of the City Manager. All consumers shall permit the City Manager, or the designee of the City Manager, at all hours between 8:00 A.M. and 6:00 P.M., to enter the premises or building for the purpose of inspecting, testing, repairing or replacing any meter, or of inspecting pipes or other fixtures.

**23-2-8. Water charges; due, delinquent; when; penalty; where payable.**

All charges made by the City for water furnished under this Article shall become due and payable after water has been furnished, and shall be delinquent fifteen (15) days after the date of the bill. A penalty for late payment, in an amount of ten (10) percent of the water charges, shall be added to each bill when payment has become delinquent. Provided, the City, at the discretion of the City Manager, may collect in advance for water furnished special users who are not regular consumers of City water. All such charges shall be payable at the office of the City Clerk. (Ord. 3104, 1988)

**23-2-9. Same; statements.**

The City Clerk shall make, or cause to be made, prior to the date when charges for water are due, statements to each private consumer for water furnished to the consumer. Such statements shall be in writing, shall set forth the amount due from the consumer for water used or furnished between the last regular reading of the customer's meter and the previous reading thereof, and shall state the meter reading in gallons for the current period and the meter reading in gallons during the previous period. Such statements shall be mailed or otherwise delivered to consumers. (Ord. 1873, 1970; Ord. 1116)

**23-2-10. Delinquent bills; collections; suit.**

In the event a bill for water service is not paid before the same becomes delinquent, the City Clerk shall collect the entire bill. Any payment that does not include the full amount of such bill shall not bar recovery by the City of the unpaid balance, but such unpaid balance shall remain a liability of the delinquent consumer, and suit may be brought in the name of the City for the collection thereof. (Ord. 1873, 1970; Ord. 1116)

**23-2-11. Discontinuance, resumption of service; fee.**

The City Manager or the designee of the City Manager is hereby authorized to shut off or disconnect the water service of any consumer after the bill of the consumer shall have become delinquent. A fee in an amount determined as provided in section 23-2-12 shall be paid upon the turning on or reconnection of the water service under the following circumstances:

- 1) When any water service has been shut off or disconnected by reason of delinquency in payment of the bill for such service, or
- 2) When water service has been shut off or disconnected at the request of the consumer and the same consumer requests that service be reconnected within thirty days after the request to shut off or disconnect water service.

The fee provided in this section shall not be charged with the disconnection was for the purpose of making repairs. When water has been shut off or disconnected for nonpayment of a bill, it shall not be turned on without an order of the City Manager or the designee of the City Manager and payment of the fee described in this section. Any person turning on water without an order of the City Manager or the designee of the City Manager shall be liable for unpaid water charges and resumption of service fee. (Ord. 3879)

**23-2-12. Same; fee; determination.**

The amount of the fee to which reference is made in section 23-2-11 shall be such amount as the City Council, by a resolution of general applicability, shall have determined to represent the reasonable cost to the City of equipment, equipment use and labor required to make the shut off or disconnection and to turn on or reconnect the water service. (Ord. 2451, 1979; Ord. 1116)

**23-2-13. Same; assessment against property; lien; exception.**

All delinquent charges for water service under this Article shall be a lien upon the real estate to which the water service is supplied. Any delinquent charges for water service which remain unpaid for three months after they become due may be, by resolution of the Council, assessed against the real estate as a special assessment. The special assessment shall be certified by the City Clerk to the Scotts Bluff County Clerk. The County Clerk shall place the assessment on the tax rolls for collection by the County Treasurer, subject to the same penalties and to be collected in the same

manner as other City taxes. Provided, the City Clerk shall notify in writing any nonoccupying owners of the real estate or their agents whenever their tenants are sixty days delinquent in the payment of their water charges. If in response to that notice, the real estate owner or his or her agent notifies the City Clerk in writing to discontinue water service, it shall be the duty of The City Clerk to notify the City Manager, or the designee of the City Manager, who shall cause the service to be discontinued. Any charges for water service furnished to the occupants of the real estate contrary to the owner's notice shall not be a lien on the real estate. (Ord. 3150, 1990)

**23-2-14. Same; remedies; cumulative.**

The remedies prescribed by this Article for the collection of delinquent rents and charges shall be deemed cumulative and not exclusive. (Ord. 1873, 1970; Ord. 1116)

**23-2-15. Reserved.**

**23-2-16. Abandonment, destruction of premises; notice; discontinuance of service.**

If any consumer shall move from the premises, or the building on the premises shall be destroyed by fire, he or she shall promptly notify the City Manager, or the designee of the City Manager, thereof, and the City Manager, or the designee of the City Manager, shall cause the water to such premises to be shut off.

**23-2-17. Water system; repairs; extension; suspension of service.**

The City reserves the right at all times to shut off the water supply for necessary repairs or extensions. (Ord. 1873, 1970; Ord. 1116)

**23-2-18. Fires; water use during.**

The Fire Chief shall have authority by order to prohibit the opening of, and to order closed, any hydrant, sillcock, tap, faucet or other connection of any description on any water line of the City, whether inside or outside of the City, during the progress of any fire within or adjacent to the City; and it shall be unlawful for any person knowingly to fail to comply immediately with such an order. (Ord. 1873, 1970; Ord. 1116)

**23-2-19. Sprinkling lawns, gardens; irrigation; water use for; suspension.**

The City reserves the right to suspend the use of water for sprinkling lawns, gardens or for irrigation purposes, whenever in the opinion of City Council the public exigency may require it. (Ord. 1873, 1970; Ord. 1116)

**23-2-20. Suspension of service; liability.**

Neither the City nor any officer or employee thereof shall be liable for damages caused by shutting off the supply of water of any consumer for nonpayment of charges for water service; while the City water system or any part thereof is undergoing repairs; or caused by the freezing of a main or lateral or the breaking of any pipe, service cock, or other equipment, by a shortage of water due to accident or lack of capacity of the system, by an act of God, or by circumstances over which the City has no control. The enumeration herein of damages for which the City and its officers and employees shall not be liable shall not be construed as an assumption of liability for damages not enumerated. (Ord. 1873, 1970; Ord. 1116)

**23-2-21. Firefighting system; use of water.**

Water supplied by the City to business establishments in which are installed fire hydrants, hose couplings or fire sprinkler systems shall not be used for purposes other than firefighting or of testing the fire hydrants, hose couplings or fire sprinkler system. (Ord. 1873, 1970; Ord. 1116)

**23-2-22. Consumer’s contract, rules; regulations; rates; amendments; effect.**

The rules, regulations and water rates set forth in this Chapter shall be considered a part of the contract with every person, persons, company or corporation who is supplied with water through the waterworks system of the City; and every such person, persons, company or corporation by taking water shall be considered and held to have consented to be bound thereby. Provided, the City reserves the right at all times to amend or alter, by ordinance, rules and regulations pertaining to water and water service, including the rates established by this Article, when deemed advisable by the City Council. (Ord. 1873, 1970; Ord. 1116)

**ARTICLE 3**

**MISCELLANEOUS PROVISIONS**

**Section**

<a href="#"><u>23-3-1</u></a>	<a href="#"><u>Fire hydrants; opening.</u></a>
<a href="#"><u>23-3-2</u></a>	<a href="#"><u>Public drinking fountains; design.</u></a>
<a href="#"><u>23-3-3</u></a>	<a href="#"><u>Waterworks; injury; interference; prohibited.</u></a>
<a href="#"><u>23-3-4</u></a>	<a href="#"><u>Water supply; contamination; generally.</u></a>
<a href="#"><u>23-3-5</u></a>	<a href="#"><u>Water line; proximity to sanitary sewer line; prohibited.</u></a>
<a href="#"><u>23-3-6</u></a>	<a href="#"><u>Cross-connections; when prohibited.</u></a>
<a href="#"><u>23-3-7</u></a>	<a href="#"><u>Connection to private water supply; prohibited.</u></a>
<a href="#"><u>23-3-8</u></a>	<a href="#"><u>Chapter provisions; effect; scope.</u></a>
<a href="#"><u>23-3-9</u></a>	<a href="#"><u>Fluoridation.</u></a>

**23-3-1. Fire hydrants; opening.**

All hydrants erected by the City for the purpose of use in extinguishing fire are hereby declared to be public hydrants; and no person other than members of the Fire Department, and then only for the use and purpose of such Department, or persons specially authorized by the City Manager and then only in the exercise of the authority delegated by the City Manager, shall open any of such hydrants, or attempt to draw water therefrom, or in any manner interfere therewith. No person authorized to open fire hydrants shall delegate his or her authority to another. (Ord 1873, 1970; Ord. 1116)

**23-3-2. Public drinking fountains; design.**

No public drinking fountain shall have openings by which it can be used as a source of domestic or other private supply. (Ord. 1873, 1970; Ord 1116)

**23-3-3. Waterworks; injury; interference: prohibited .**

No person shall wilfully or carelessly break, injure or deface, interfere with or disturb any machinery,

apparatus, fixtures, attachment or appurtenances of the waterworks system of the City; or any public or private hydrant, hose or water trough, curb stop, water supply or service pipe, or any part thereof. Nor shall any person deposit anything in any curb stop box, or commit any act tending to obstruct or impair the intended use of any of the above-mentioned properties (Ord. 1873, 1970; Ord. 1116)

**23-3-4. Water supply; contamination; generally.**

No person shall place in or near or around the waterworks system of the City any building or structure, or any dirt, filth or impure substance whatever, or any substance or fluid by which the water shall be rendered impure, unpalatable, or dangerous for human or animal consumption. (Ord. 1873, 1970; Ord. 1116)

**23-3-5 Water line; proximity to sanitary sewer line; prohibited.**

No water main or water service line, whether in a public street or alley, on privately owned premises or elsewhere, shall be installed within ten (10) feet horizontally, or eighteen (18) inches vertically of any sanitary sewer main. Provided, this section shall not apply to the installation of plumbing fixtures.

**23-3-6. Cross-connections; when prohibited.**

No plumbing fixture, device or connection shall be installed which will result in a cross-connection between a distribution system of water for drinking and domestic purposes and a drainage system, soil or waste pipe so as to permit or make possible the backflow of sewage or waste into the water supply system. No installation of potable water supply piping or part thereof shall be made in such a manner that it will be possible for used, unclean, polluted or contaminated water, mixtures, or substances to enter any portion of such piping from any tank, receptacle, equipment or plumbing fixture by reason of back siphonage, by suction or any other cause, either during normal use and operation thereof or when any such tank, receptacle, equipment or plumbing fixture is flooded, or subject to pressure in excess of the operating pressure in the hot or cold water piping. (Ord. 1873, 1970; Ord. 1166)

**23-3-7. Connection to private water supply; prohibited.**

A private water supply shall not be connected to the City water system. (Ord. 1873, 1970; Ord. 1116)

**23-3-8. Chapter provisions; effect; scope.**

The provisions of this Chapter shall apply to water connections that have been made prior, as well as those that may be made subsequent, to the effective date of such provisions. Provided, it shall not be necessary to obtain a permit for a connection that was made with the consent of the City Council or other authorized officer of the City prior to the adoption of such provisions so long as the system thus connected is maintained in good repair by the owner or user, and does not tend to contaminate water in the water system of the City. Provided, further, such provisions shall not be construed in such manner as to impair the obligation of valid written contracts entered into prior to the adoption of such provisions. (Ord. 1873, 1970; Ord 1116)

**23-3-9. Fluoridation.** Fluoride shall not be added to the water system of the City of Scottsbluff.

## ARTICLE 4

### BACKFLOW PREVENTION

#### (a) ADMINISTRATION

##### Section

<a href="#">23-4-1</a>	<a href="#">Purpose.</a>
<a href="#">23-4-2</a>	<a href="#">Definitions.</a>
<a href="#">23-4-3</a>	<a href="#">Responsibility for implementation.</a>
<a href="#">23-4-4</a>	<a href="#">Interpretation, appeal; procedure.</a>
<a href="#">23-4-5</a>	<a href="#">Designation of responsible individual by consumer.</a>
<a href="#">23-4-6</a>	<a href="#">Surveys and investigations; responsibility of consumer.</a>
<a href="#">23-4-7</a>	<a href="#">Discontinuation of water service with notice; when allowed.</a>
<a href="#">23-4-8</a>	<a href="#">Immediate discontinuation of water service; when allowed.</a>
<a href="#">23-4-9</a>	<a href="#">Restoration of water service; defects to be corrected; reconnection fee.</a>
<a href="#">23-4-10</a>	<a href="#">Liability; City to hold City Manager and City employees harmless.</a>

#### (b) BACKFLOW PREVENTION

<a href="#">23-4-11</a>	<a href="#">Cross-connections; forbidden.</a>
<a href="#">23-4-12</a>	<a href="#">Hose bib vacuum breakers; where required.</a>
<a href="#">23-4-13</a>	<a href="#">Backflow prevention devices; installed at consumer's expense.</a>
<a href="#">23-4-14</a>	<a href="#">Backflow prevention device; conditions where required.</a>
<a href="#">23-4-15</a>	<a href="#">Same; facilities where required.</a>
<a href="#">23-4-16</a>	<a href="#">Same; other circumstances where required.</a>
<a href="#">23-4-17</a>	<a href="#">Backflow prevention; type of protection required.</a>
<a href="#">23-4-18</a>	<a href="#">Same; anti-siphon vacuum breaker; where permissible.</a>
<a href="#">23-4-19</a>	<a href="#">Same; existing backflow prevention devices.</a>
<a href="#">23-4-20</a>	<a href="#">Strainers; when required.</a>
<a href="#">23-4-21</a>	<a href="#">Booster pumps; low pressure cutoff; required.</a>
<a href="#">23-4-22</a>	<a href="#">Yard hydrants; to be equipped with anti-siphon vacuum breaker.</a>
<a href="#">23-4-23</a>	<a href="#">Underground lawn and garden sprinklers; backflow prevention device required.</a>
<a href="#">23-4-24</a>	<a href="#">Fire suppression systems; review by City Manager.</a>
<a href="#">23-4-25</a>	<a href="#">Same; pharmaceutical grade antifreeze, required.</a>
<a href="#">23-4-26</a>	<a href="#">Same; double check valve; required.</a>
<a href="#">23-4-27</a>	<a href="#">Same; existing systems; requirements.</a>

##### **23-4-1. Purpose.**

This Article is intended 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. (Ord. 3261, 1992)

##### **23-4-2. Definitions.**

Whenever used in this Article, the following terms shall have the meaning given to them in this section.

(a) “Air gap separation” means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and, in no case less than one (1) inch.

(b) “Anti-siphon vacuum breaker” is a device which 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.

(c) “Approved backflow prevention device” shall mean a backflow prevention device that has been manufactured in full conformance with the most current edition of standards established by the American Water Works Association and tested by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California, Los Angeles, California.

(d) “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. An auxiliary water system may include water from another consumer’s public water supply system; polluted or contaminated water; process fluids; used water; or other sources of water which the consumer of the public water supply system does not have sanitary control.

(e) “Backflow” 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.

(f) “Backflow prevention device” means any device, method or type of construction intended to prevent backflow into a potable water system.

(g) “City Manager” means the City Manager of the City of Scottsbluff, Nebraska and any person or persons designated by the City Manager to carry out the provisions of this Article.

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

(i) “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. The team shall include a household plumbing system and a fire suppression system.

(j) “Contamination” means an impairment of the quality of the potable water to a degree which creates an actual hazard to the public health through poisoning or through spread of disease.

(k) “Cross-connection” means any arrangement whereby contamination of the public water supply system due to backflow or back-siphonage can occur.

(l) “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.

(m) “Double check valve assembly” means an assembly composed of two single, independently acting, check valves including one hundred percent closing shutoff ball valves or resilient seat gate valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

(n) “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.

(o) “Licensed plumber” means a person who has obtained a master plumber's license from the City.



(p) “Person” means the state, any political subdivision, public or private corporation, individual, partnership, or other legal entity. The singular includes the plural, and the male pronoun includes the female.

(q) “Plumbing hazard” means a plumbing type cross-connection in a consumer’s potable water system that has not been properly protected by airgap separation or backflow prevention devices.

(r) “Pollution” means an impairment of the quality of the potable 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.

(s) “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.

(t) “Potable water” means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health.

(u) “Public water supply system” means a water supply system designed and intended to provide potable water to designated consumers. 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, plumbing and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

(v) “Reduced pressure zone backflow prevention device” means a device containing a minimum of two independently acting internally loaded check valves together with an automatically operated pressure differential relief valve located between two check valves, “four properly located test cocks and two isolation 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 one hundred percent closing shutoff ball valves or resilient seat gate valves located at each end of the device, and each device shall be fitted with properly located test cocks.

(w) “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, then the service connection means the downstream end of the meter.

(x) “System hazard” means a condition posing an actual or potential threat of damage to the physical properties of the public or the consumer’s water supply system.

(y) “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 City. (Ord. 3261, 1992)

### **23-4-3. Responsibility for implementation.**

(1) The City Manager shall be responsible for the implementation of this Article. If the City Manager determines that an approved backflow prevention device is required for the safety of the public water supply system then the City Manager shall give notice in writing to the consumer to install said device at each designated location. The City Manager shall inspect and approve all installations of the required backflow prevention devices. The costs of purchasing, installing, testing, 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. A certified backflow tester approved by the State of Nebraska and City of Scottsbluff shall test double check valves and reduced pressure zone devices annually, and shall test pressure vacuum breakers every five (5) years. If the City Manager determines that maintenance or repairs are necessary, the consumer shall be contacted and issued an order to make all necessary repairs or maintenance. The consumer shall complete all installation, maintenance or repairs within thirty (30) days after being ordered to do so. Anyone who fails to comply with such an order shall be considered in violation of this Article and shall be subject to disconnection of service as provided in this Article.

(2) The City Manager shall keep a current list of all suppliers of approved backflow prevention devices and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this Article.

#### **23-4-4. Interpretation, appeal; procedure.**

(1) For the purpose of this Article, whenever the City Manager is to make a decision or interpretation, or whenever reference is made to the fact that the City Manager is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of this Article, and any other applicable provisions of the Scottsbluff Municipal Code, and state and federal law.

(2) Any consumer aggrieved by any decision or action of the City Manager may request a hearing before the Plumbers Examining Board. Such request must be in writing and shall be delivered to the City Clerk no more than ten (10) days after the decision or action in question. A request for a hearing shall stay all orders and actions until the conclusion of the hearing, except a discontinuation of water service under this Article. At such hearing the action or order of the City Manager shall be presumed to be correct, and the consumer shall have the burden of establishing the contrary. After such hearing the Plumbers Examining Board may modify or affirm the decision of the City Manager. Any appeal from the decision of the Plumbers Examining Board following such hearing shall be by appropriate proceedings in the District Court. The pendency of such an action in the District Court shall not delay the effective date of the City Manager's decision or action unless the District Court shall so order. (Ord. 3261, 1992)

#### **23-4-5. Designation of responsible individual by consumer.**

If requested by the City Manager the consumer shall designate an individual or individuals who shall be responsible for contact and communications with the City Manager in matters relating to the system alteration and construction monitoring and sampling, maintenance, operation, record keeping, and reporting, as required by law and this Article. Any change in assigned responsibilities or designated individuals shall be promptly reported to the City Manager. (Ord. 3261, 1992)

#### **23-4-6. Surveys and investigations; responsibility of consumer.**

(1) It shall be the responsibility of the 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 City Manager shall have the authority to conduct or cause to be conducted periodic surveys and investigations, of a frequency as determined by the City Manager, 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 City Manager 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 City Manager, the consumer shall furnish the City Manager information on water use practices within the consumer's premises. If the consumer within a reasonable time refuses to submit the proper information or to cooperate in obtaining the proper information, the City Manager 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 within the time stipulated by the City Manager.

(3) The City Manager shall have the right to enter a 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 such premises, the City Manager shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the City Manager and arrange for another date and time for the inspection. If the City Manager and the consumer cannot agree on a date and time, then the City Manager 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 this Article or water service shall be discontinued by the City Manager. (Ord. 3261, 1992)

**23-4-7. Discontinuation of water service with notice; when allowed.**

The City Manager shall discontinue, seven (7) days after mailing, written notice to the consumer thereof, the water service to any premises where:

- (a) any backflow prevention device required by this Article is not installed or maintained in a manner which complies with the terms of this Article;
- (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 cut-off required by the City Manager is not installed and maintained in working order: or
- (e) the City Manager is denied entry to determine compliance with this Article. (Ord. 3261, 1992)

**23-4-8. Immediate discontinuation of water service; when allowed.**

The City Manager shall immediately discontinue, without notice to the consumer thereof, the water service to any premises where a cross-connection exists which constitutes an immediate threat to the safety of the public water system. Within twenty-four (24) hours after such discontinuation, the City Manager shall send to the consumer by certified mail notice of the discontinuation. (Ord. 3261, 1992)

**23-4-9. Restoration of water service; defects to be corrected: reconnection fee.**

Where water service has been discontinued as provided in this Article, it shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the City Manager. Water service shall not be restored until the reconnection fee described in Chapter 23, Article 2, has been paid. (Ord. 3261, 1992)

**23-4-10. Liability; City to hold City Manager and City employees harmless.**

The City Manager and all City employees shall be relieved from personal liability for acts taken under this Article. The City shall hold harmless the City Manager and all City employees 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 Article, or by reason of any act or omission of the City Manager in the discharge of his or her duties hereunder. (Ord. 3261, 1992)

**(b) BACKFLOW PREVENTION.**

**23-4-11. Cross-connections; forbidden.**

No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumers' potable water supply system unless such cross-connections are abated or controlled in accordance with this Article, and as required by the laws and the State of Nebraska and the regulations of the Nebraska Department of Health. (Ord. 3261, 1992)

**23-4-12. Hose bib vacuum breakers; where required.**

All premises served by the public water supply shall have installed approved hose bib (connection) vacuum breakers on all fixtures that are threaded to accept standard garden hose fittings. These include all outside sill cocks, water heater drains, utility sink faucets, and fixtures that are determined to be a potential hazard by the City Manager. (Ord. 3261, 1992)

**23-4-13. Backflow prevention devices; installed at consumer's expense.**

Any approved backflow prevention device required by the City Manager shall be installed at a location and in a manner approved by the City Manager. The consumer, at his or her sole expense, shall obtain and install said approved backflow prevention device(s) within thirty (30) days of notice and as directed by the City Manager. (Ord. 3261, 1992)

**23-4-14. Backflow prevention device; conditions where required.**

An approved backflow prevention device shall be installed when the following conditions are found by the City Manager to exist:

- (1) where a 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 City;
- (2) where internal cross-connections are not correctable in the judgment of the City Manager, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;
- (3) where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;
- (4) where cross connections have been established or re-established within the preceding three (3) years.
- (5) where there is more than one customer service connection which could constitute a

potential cross-connection. (Ord. 3261, 1992)

**23-4-15. Same; facilities where required.**

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 City Manager 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 degreasing, 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;
- (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 water recirculating system as used for boilers or cooling systems and water softeners; softeners may be isolated with a double check valve assembly, or factory manufactured internal backflow protection, approved by the City Manager;
- (p) veterinary establishments, kennels, feed yards, stables, rodeo grounds, stockyards, pet grooming salons;
- (q) beauty salons, barber shops, massage parlors, health clubs;
- (r) fire suppression systems;
- (s) multi-storied buildings greater than three (3) stories in height;
- (t) schools, universities, colleges;
- (u) other commercial or industrial facilities which may constitute potential cross-connections. (Ord. 3261, 1992)

**23-4-16. Same; other circumstances where required.**

In all situations for which no special provision has been made in this Article 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 City Manager, a health, plumbing, pollution or system hazard exists. (Ord. 3261, 1992)

**23-4-17. Backflow prevention; type of protection required.**

The type of protection required under this Article shall depend on the degree of hazard that exists as follows:

- (a) an approved air gap separation or an approved reduced pressure principal 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 principal backflow prevention device shall be installed at the service connection where there exists a plumbing hazard;

(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 principal backflow prevention device shall be installed at the service connection. (Ord. 3261, 1992)

**23-4-18. Same; anti-siphon vacuum breaker; where permissible.**

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 twelve (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 six (6) inches above the highest point reached by any water passing through the potential source of contamination. (Ord. 3261, 1992)

**23-4-19. Same; existing backflow prevention devices.**

Existing backflow prevention devices approved by the City Manager prior to the effective date of this rule and which are properly installed and maintained shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of this Article but only if the City Manager determines that the devices will satisfactorily protect the public water supply system. One hundred percent closing shutoff ball valves or resilient seat gate valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the City Manager. If the City Manager determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device. (Ord. 3261, 1992)

**23-4-20. Strainers; when required.**

The City Manager may require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The strainers shall be installed in such a manner as to preclude the following of the backflow prevention device(s) due to such circumstances as water main repairs, water main breaks, fires and periodic cleaning and flushing of mains. (Ord. 3261, 1992)

**23-4-21. Booster pumps; low pressure cutoff; required.**

(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 twenty (20) pounds per square inch gauge or less.

(2) It shall be the duty of the water customer to maintain the low pressure cut-off device in proper working order. (Ord. 3261, 1992)

**23-4-22. Yard hydrants; to be equipped with anti-siphon vacuum breaker.**

Yard hydrants or hose bibs which could 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. (Ord. 3261, 1992)

**23-4-23. Underground lawn and garden sprinklers; backflow prevention device required.**

All underground lawn and garden sprinklers shall be equipped with an approved backflow prevention device. (Ord. 3261, 1992)

**23-4-24. Fire suppression systems; review by City Manager.**

All proposed installations of fire suppression systems shall be reviewed by the City Manager to determine the appropriate type of backflow prevention device(s) required. (Ord. 3261, 1992)

**23-4-25. Same; pharmaceutical grade antifreeze, required.**

All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical grade antifreeze. The consumer shall provide to the City Manager a certification identifying the type of pharmaceutical grade antifreeze which shall be used. Any reduced pressure vacuum breaker backflow prevention device shall be installed in an approved manner. (Ord. 3261, 1992)

**23-4-26. Same; double check valve; required.**

A double check valve assembly 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. An inspection by a certified fire suppression specialist shall be done prior to installation. (Ord. 3261, 1992)

**23-4-27. Same; existing systems; requirements.**

- (1) All existing fire suppression systems shall meet the requirements of this Article.
- (2) 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. (Ord. 3261, 1992)

## ARTICLE V

### ENFORCEMENT; VIOLATIONS; PENALTIES

#### (a) ADMINISTRATION

**Section**

<a href="#"><u>23-5-1</u></a>	<a href="#"><u>Violations; discontinuance of service; forfeiture of payments</u></a>
<a href="#"><u>23-5-2</u></a>	<a href="#"><u>Police Department; reports; City Manager; enforcement.</u></a>
<a href="#"><u>23-5-3</u></a>	<a href="#"><u>Violations; penalty.</u></a>

**23-5-1. Violations; discontinuance of service; forfeiture of payments.**

Whenever the owner or occupant of premises to which water service of the City is supplied shall

violate any provision of this Chapter, or of any other ordinance relating to the waterworks of the City or additional regulation that may be adopted, the City Manager, or the designee of the City Manager, may order the water supply turned off or disconnected, in which event the supply shall not again be turned on or reconnected except by order of the City Manager, or the designee of the City Manager, and on payment of the expense of shutting it off and turning it on, and upon such other reasonable terms as the City Manager, or the designee of the City Manager, shall determine, and after satisfactory assurances that no further violations will occur. In such case the City Manager, or the designee of the City Manager, also shall have the power to declare any payment made for the water by the person or persons committing such violation to be forfeited, and the same thereupon shall be forfeited. (Ord. 1873, 1970; Ord. 1116)

**23-5-2. Police Department; City Manager; reports; enforcement.**

It shall be the duty of the police of the City to report to the City Manager all cases of leakage and of violations of this Chapter, and of any other ordinance relating to the waterworks of the City, that may be brought to their notice, and they shall enforce the observance of such ordinances in so far as they have the authority to do so. (Ord. 1873, 1970; Ord. 1116)

**23-5-3. Violations; penalty.**

A violation of any provision of this Chapter is a Class II violation.

**ARTICLE 6**

**RESTRICTIONS; CIRCUMSTANCES; PENALTIES**

**Section**

<a href="#"><u>23-6-1</u></a>	<a href="#"><u>Statement of Purpose; Council may act by Resolution.</u></a>
<a href="#"><u>23-6-2</u></a>	<a href="#"><u>Definitions.</u></a>
<a href="#"><u>23-6-3</u></a>	<a href="#"><u>Water Warning; conditions for declaration; restrictions on use of water.</u></a>
<a href="#"><u>23-6-4</u></a>	<a href="#"><u>Same; exemptions.</u></a>
<a href="#"><u>23-6-5</u></a>	<a href="#"><u>Water Emergency; conditions for declaration; restrictions on the use of water.</u></a>
<a href="#"><u>23-6-6</u></a>	<a href="#"><u>Termination of water warning or water emergency.</u></a>
<a href="#"><u>23-6-7</u></a>	<a href="#"><u>Violations.</u></a>
<a href="#"><u>23-6-8</u></a>	<a href="#"><u>Multiple Convictions; consequences.</u></a>

**23-6-1. Statement of Purpose; Council may act by Resolution.**

The Mayor and the City Council find that the water supply of the City may be impacted by drought conditions which, if sufficiently severe, may require mandatory conservation measures to preserve the integrity of the City's water supply. The City Council may by resolution put into effect the mandatory water use restrictions described in this Article if Council finds the existence of any of the conditions described in this Article.

**23-6-2. Definitions.**

Where used in this Article, the following terms shall have the meaning set forth unless the context clearly indicates otherwise.



- (1) Daily consumption is the amount of water consumed in the City in a 24-hour day. Daily consumption is calculated by subtracting the readings on the meters on the City's wells from the readings the previous day, and then by adding the difference for each well.
- (2) Restricted water use means:
  - (a) Public or private use of water outdoors, including but is not limited to lawns, gardens, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools, or the washing of vehicles, boats, trailers, sidewalks, driveways and exterior of buildings, or
  - (b) The use of water for industrial, commercial or agricultural purposes.
  - (c) The reasonably necessary use of water for the health and hygiene of employees while they are engaged in the performance of their duties at their place of employment shall not be considered a restricted water use.
- (3) Private Well Owner shall mean a citizen who owns a private well in the City that is not connected to the distribution system.
- (4) Utility Customer shall mean the customer on record who pays fees for the use of water for any purpose from the City distribution system.
- (5) Water shall mean all water available to the City introduced by the water distribution system.
- (6) Water Storage shall mean the amount of water held in the City's water towers.
- (7) Water System Capacity is the total production from all the City's operable wells at maximum production for a twenty-four hour period.

### **23-6-3. Water Warning; conditions for declaration; restrictions on use of water.**

- (1) The City Council may by resolution declare a water warning when one of the following conditions is met:
  - a. When, after normal pumping, water storage does not regain ninety percent of the water system capacity by 5:00 a.m. each morning.
  - b. When groundwater levels have fallen below normal seasonal levels.
  - c. When daily consumption exceeds seventy percent of the water system capacity.
- (2) Upon promulgation of an appropriate resolution by the City Council declaring a water warning, lawns and other landscape plants may be watered only on even numbered days if such are located at an even numbered address, and odd numbered days if located at an odd numbered address. Watering of lawns may take place only between the hours of 7:00 P.M. and 11:00 A.M. These restrictions shall apply to both utility customers and private well owners.

### **23-6-4. Same; exemptions.**

The City Manager or his designee may in his discretion grant an exemption from the provisions of the immediately preceding section if in his or her judgment the granting of an exemption will not adversely impact the integrity of the City's water supply and one of the following conditions is met:

1. The applicant for the exemption is in the process of establishing a new lawn by use of sod or seed application. The exemption may not last more than three weeks.
2. The applicant for the exemption is the operator of a large common or public area that, because of irrigation system limitations, cannot be sustained while following the mandatory drought restrictions described in this Article.

**23-6-5. Water Emergency; conditions for declaration; restrictions on use of water.**

- (1) The City Council may by resolution declare a water emergency when one of the following conditions is met:
  - a. When, after normal pumping, water storage does not regain eighty percent of capacity by 5:00 a.m. each morning.
  - b. When groundwater levels have fallen significantly below the water warning levels.
  - c. When daily consumption exceeds eighty percent of the water system capacity.
- (2) Upon promulgation of an appropriate resolution by the City Council declaring a water emergency, restricted water use is not allowed. This restriction shall apply to both utility customers and private well owners.

**23-6-6. Termination of water warning or water emergency.**

When the City Council determines that the conditions making appropriate the declaration of a water warning or a water emergency no longer exist, the City Council may, by appropriate resolution, so declare, and the restrictions imposed by this Article shall cease to be in effect.

**23-6-7. Violations.**

Violation of any provision of this Article shall be a Class II violation.

**23-6-8. Multiple Convictions; consequences.**

In addition to the penalties elsewhere prescribed in this Article:

- (1) Any utility customer previously convicted of violating any provision of this Article who should be convicted of violating any provision of this Article during the same water warning or water emergency as the first conviction shall have his or her water bill doubled for a period of six months beginning with the first billing cycle after the second conviction.
- (2) Any utility customer previously twice convicted of any provision of this Article who should be convicted of a third violation of any provision of this Article during the same water warning or water emergency as the first two conviction shall have his or her water service terminated. The termination can be appealed within a ten day period to the City Manager. Service terminated under such circumstances may be reconnected only upon payment of a thirty dollar reconnect fee and upon giving satisfactory assurances to the City Manager that the violation will not be repeated. (Ord 3754, 2003)