

Chapter 3

DEPARTMENTS

Article 1. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. *(Ref. 17-531, 17-534, 19-1305 RS Neb.)*

§3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

MAIN. The term “main” is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the Municipality.

SUPPLY PIPE. The term “supply pipe” is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer’s premise where the shut-off, stop box, or curb cock is located.

SERVICE PIPE. The term “service pipe” is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be dispersed.

SEPARATE PREMISE. The term “separate premise” is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER’S APPLICATION. Every person or persons desiring a supply of water must make application therefor to the Municipal Clerk. The Municipal Clerk may require any applicant to make a service deposit in such amount as has been set by the Governing Body in section 3-401 and placed on file at the office of the Municipal Clerk. Water may not be supplied to any house or private service pipe except upon the order of the Governing Body. *(Ref. 17-537, 19-2701 RS Neb.)*

§3-104 MUNICIPAL WATER DEPARTMENT; SERVICE TO NON-RESIDENTS. The Department shall not supply water service to any person outside the corporate limits without special permission from the Governing Body; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by

the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. *(Ref. 19-2701 RS Neb.)*

§3-105 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent or his agent, by order of the Governing Body may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of the Governing Body.

§3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alley, or 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 twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs or pipes require a general inspection by the Utilities Superintendent. It is the customer's responsibility to notify the Superintendent at the time the work is ready for the 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 Utilities Superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. *(Ref. 17-537 RS Neb.)*

§3-107 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE.

(1) The Municipality shall pay the cost of tapping the main, installing supply pipe, and providing the curb stop at the lot line of the customer. No person other than the Utilities Superintendent or his duly authorized agent shall tap the water main. The customer shall pay a tap fee as follows:

1-inch line.....	\$650.00
2-inch line.....	\$1,300.00
4-inch line.....	\$2,600.00

(2) The customer shall at his own expense bring water service from the curb stop and upon his own premise and shall employ a licensed plumber who shall install water service to the place of disbursement. Nonresidents shall pay such tap fees and installation charges in such sums as the Utilities Superintendent, pursuant to resolution of the Governing Body, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits, may be made by means of water extension districts. *(Ref. 17-542 RS Neb.)(Amended by Ord. Nos. 512, 7/9/002; 574, 4/8/08)*

§3-108 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE. The Municipality shall repair or replace, as the case may be, all supply pipe between the commercial main and the curb stop. The customer at his own expense shall replace and keep in repair all service pipe from the curb stop to the place of disbursement . When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. *(Ref. 17-537 RS Neb.)*

§3-109 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS. The Governing Body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Utilities Superintendent shall bill the consumers and collect all money received by the Municipality on the account of the Water Department. He shall faithfully account for, and pay to the Municipal Treasurer all revenue collected by him. Resident properties having more than one (1) house located thereon served by one (1) tap shall pay an additional fee set by the Governing Body per month for each house or home located thereon; resident property shall have added to the minimum rental an additional charge for water used as a coolant in air-conditioning systems which rate shall be established and fixed by the Board of Trustees and which shall be equitably adjusted on all such properties; rates for business property, public building, and commercial establishments shall be fixed by the Board of Trustees but such rates shall be equitably adjusted on such properties. *(Ref. 17-540 RS Neb.)*

§3-110 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the minimum rate provided by section 3-109 unless and until the consumer shall, by written order, direct the Utilities Superintendent, through the Municipal Clerk, to shut off water at the curb stop, in which case he shall not be liable thereafter for water rental until the water is turned on again. *(Ref. 17-542 RS Neb.)*

§3-111 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable monthly at the office of the Municipal Clerk. Bills shall be due on the first (1st) day of each month and shall be payable by the fifteenth (15th) of each month. Bills paid after the fifteenth (15th) day of each month shall have a penalty charge added thereto in an amount set by resolution of the Governing Body and on file at the office of the Municipal Clerk. Bills not paid by the fifteenth (15th) day of each month shall be deemed delinquent. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. *(Ref. 17-542, 18-416 RS Neb.)*

§3-112 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due,

together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal 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 sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Municipal Clerk on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (*Ref. 17-538 RS Neb.*)

§3-113 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families, or allow them to take water from his premise, 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 premise for alteration, extension, or attachment without the written permission of the Governing Body. (*Ref. 17-537 RS Neb.*)

§3-114 MUNICIPAL WATER DEPARTMENT; RESTRICTION OF WATER USE.

(1) Upon notice from the Municipal Utilities Superintendent, the use of water for all uses except domestic uses shall cease during a fire alarm or during a fire. Water use may resume upon notice by the Municipal Utilities Superintendent.

(2) In the case of shortage, imminent shortage or possible contamination of the public water supply, the use of water may be restricted according to a restriction plan adopted by resolution of the Board of Trustees.

(3) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this section shall, upon conviction thereof, be fined not more than two hundred dollars (\$200.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 17-505, 17-537 RS Neb.*)(*Amended by Ord. No. 481, 7/10/01*)

§3-115 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS. All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or Assistant Fire Chief, or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

§3-116 MUNICIPAL WATER DEPARTMENT; POLLUTION. It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (*Ref. 17-536 RS Neb.*)

§3-117 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP. All persons within three hundred feet (300') of a water main shall be required, upon notice by the Governing Body, to hook up with the Municipal Water System. (*Ref. 17-539 RS Neb.*)

§3-118 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new

application and sign a new contract. If any consumer shall move from the premise where the service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Municipal Clerk who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for water used on the said premise until the Municipal Clerk is otherwise advised of such circumstances. (*Ref. 17-537 RS Neb.*)

§3-119 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Utilities Superintendent, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (*Ref. 17-537 RS Neb.*)

§3-120 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS. It shall be the duty of the Municipal Police to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

§3-121 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without written permission of the Utilities Superintendent.

[Editor's Note: Sections 3-122 through 3-134 were adopted in their entirety by Ordinance No. 278, 5/14/91]

§3-122 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; STATE OF POLICY.

A. Purpose: The purpose of sections 3-122 through 3-134 is:

1. To protect the public potable water supply of the Village of Bertrand water system from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water systems and no-potable water systems, plumbing fixtures and industrial process systems.

3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application: Sections 3-122 through 3-134 shall apply to all premises served by the public potable water system of the Village of Bertrand.

C. Policy: Sections 3-122 through 3-134 will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The Municipal Water Department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within consumer's own premises.

§3-123 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS.

A. The following definitions shall apply in the interpretation and enforcement of sections 3-122 through 3-134.

1. Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.

2. Approved tester means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the Village.

3. Authorized representative means any person designated by the Village to administer this cross connection control ordinance.

4. Auxiliary water supply means any water source system, other than the public water supply, that may be available in the building or premises.

5. Backflow means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

6. Backsiphonage means the flowing back of water, or other foreign liquids, gases, or substances into the water distribution system due to negative pressure in the piping of the water distribution system.

7. Backflow prevention device means any device, method, or type of construction intended to prevent backflow into a potable water system provided backflow preventers have been tested and approved by a reputable testing laboratory.

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

9. Containment means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.

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

11. Cross connection means any physical link, between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

12. Hazard, Degree of, means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. Hazard-Health – any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.

b. Hazard-Plumbing – a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

c. Hazard-Pollutional – an actual or potential threat to the physical properties of the water system or to the consumer’s potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.

d. Hazard-System – an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable water system, or a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

13. Isolation means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

14. Pollution means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

15. Public Potable Water System means any publicly or privately-owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

16. 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 down stream end of the meter.

17. Water Department means the Municipal Water Department of the Village of Bertrand, Nebraska.

§3-124 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACK SIPHONAGE PREVENTION; CROSS CONNECTION PROHIBITED.

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

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

C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety.

§3-125 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATIONS.

A. The consumer’s premises shall be open at all reasonable times to the Village or its authorized representative, for the conduction of surveys and investigations of water use practices within the consumer’s premises to determine whether there are actual or potential cross connections in the consumer’s water system.

B. On request by the Village or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer’s water system.

C. On request by the Village or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer’s water system to determine whether

there are actual or potential cross connections. The consumer shall provide the survey results to the Village or its authorized representative.

§3-126 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACK SIPHONAGE PREVENTION; 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 Village or its authorized representative a health, plumbing, pollution or system hazard exists.

B. An approved air gap separation or reduced pressure principal backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal Water Department, the nature and extent of activities on the premises, or the materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Village or its authorized representative and the Nebraska Department of Health.
2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
4. Premises having a repeated history of cross connections being established or re-established.
5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
7. Premises where toxic or hazardous materials are handled.

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

1. Agricultural chemical facilities;
2. Auxiliary water systems, well;
3. Premises having water recirculating systems as used for boilers or cooling systems;
4. Bulk water loading facilities;
5. Car washes, automobile servicing facilities;
6. Chill water systems;
7. Feedlots;
8. Fire protection systems;
9. Hazardous waste storage disposal sites;
10. Irrigation and lawn sprinkler systems;
11. Laundries and dry cleaning;

12. Petroleum processing or storage plants'
13. Beauty salons;
14. Schools;
15. Sewage pumping stations;
16. Other commercial or industrial facilities which may constitute potential cross connection.

§3-127 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED.

A. The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
3. An approved air gap separation or an approved reduced pressure principal backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

§3-128 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES. Any backflow prevention device required by this ordinance shall be of a model or construction approved by the Village or its authorized representative and the Nebraska Department of Health.

- A. Air gap separation to be approved shall be at least twice the diameter of the supply pipe measured vertically above the top rim of the vessel, but in no case less than one inch (1").
- B. Double check valve assemblies or reduced pressure principal backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection and maintenance.

§3-129 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION.

- A. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the Village or its authorized agent. All devices shall be installed at the expense of the consumer, unless the Village or its authorized representative agrees otherwise.
- B. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed), or the corporation stop, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

§3-130 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING.

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper

operation annually or when necessary in the opinion of the Village or its authorized representative. Actual testing shall be at the expense of the consumer, unless the Village or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the Village. If testing shall require entry into the premises, the Village's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten (10) working days in advance by first class mail, return receipt requested. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the Village's authorized representative to arrange another date and time.

§3-131 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE. The authorized representative shall have the authority to issue any order consistent with the provisions of sections 3-122 through 3-134 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements, and set a reasonable date by which compliance must be met. All orders will be mailed to the consumer by first class mail, return receipt requested.

§3-132 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS. In the event that it is claimed that the true intent and meaning of sections 3-122 through 3-134 has been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonable difficult to meet the literal requirements prescribed by sections 3-122 through 3-134, the owner may file a written notice of appeal with the Municipal Clerk within ten (10) days after the decision or order of the authorized representative has been made. The Governing Body shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal.

§3-133 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATION AND PENALTIES.

A. The Village or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the Village or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

B. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection ordinance to the satisfaction of the Village or its authorized representative.

§3-134 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS. The authorized representative shall be relieved from personal liability. The Village shall hold harmless the authorized representative when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this title, or by reason of any act or omission of the authorized representative in the discharge of his duties hereunder. Any suit brought carrying out the provisions of the title shall be

defended by the Village, or the Village's insurance carrier, if any, through final determination of such proceedings.

§3-135 MUNICIPAL WATER DEPARTMENT; WATER TESTING SURCHARGE.

A. There is hereby levied a water testing surcharge of one dollar (\$1.00) per month per water billing that is in service.

B. Revenue received from the water testing surcharge shall be used exclusively for water testing mandated by the State of Nebraska, the Government of the United States, and for all other testing deemed necessary for the safe operation of the Village waterworks.

C. The Governing Body may, when deemed prudent, provide for the refunding of unused testing revenues to the consumer. The manner and type of refund shall be determined by resolution of the Governing Body.

D. The water testing surcharge shall be considered part of the water rate of the Village of Bertrand, and failure to pay the surcharge shall be treated the same as other delinquent water rents. (*Ord. No. 287, 6/2/92*)(*Amended by Ord. No. 317, 8/9/94*)

§3-136 WATER WELLS; DRILLING AND OPERATION OF WELLS AND OTHER 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 Village, without first having obtained the proper permit from the Governing Body of the Village: portable 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 wet well. (*Ord. No. 483, 11/13/01*)

§3-137 WATER WELLS; UTILIZING THE GEOTHERMAL PROPERTIES OF THE GROUND. Any person, corporation, or other legal entity given authorization by permit to utilize the geothermal properties of the ground shall be subject to each and all of the following regulations:

- (1) Must be a closed loop system.
- (2) Joints must be made by heat fusion.
- (3) Antifreeze must be potassium acetate, propylene glycol, or other food grade substance.
- (4) Wells must be scaled from bottom to top with a cement slurrie.
- (5) Piping must consist of polybutylene or polyethylene pipe.
- (6) Must be located no closer than 100 feet to the Village's drinking water source. (*Ord. No. 483, 11/13/01*)

§3-138 WATER WELLS; PROCEDURE TO OBTAIN PERMIT. In order to obtain a permit to drill and/or operate any of the facilities listed in section 3-136 and 3-137, 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 Village. Such application must be presented to the Village Board of Trustees at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above described facilities, the Board of Trustees must approve or deny said permit. (*Ord. No. 483, 11/13/01*)

§3-139 WATER WELLS; DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES PROHIBITED.

(A) Under no circumstances shall the Village Board of Trustees approve any permit to drill or operate any of the below described facilities within the indicated number of feet from the Village's Municipal water wells:

1. Potable Water Wellwithin 1,000 feet
2. Closed Loop Geothermal Wellwithin 100 feet
3. Any Other Wellwithin 1,000 feet
4. Sewage Lagoon.....within 1,000 feet
5. Absorption or Disposal Field for Water.....within 500 feet
6. Cesspoolwithin 500 feet
7. Dumping Groundswithin 500 feet
8. Feedlot or Feedlot Runoffwithin 500 feet
9. Livestock Pasture or Corralwithin 500 feet
10. Chemical Product Storage Facilitywithin 500 feet
11. Petroleum Product Storage Facilitywithin 500 feet
12. Pit Toiletwithin 500 feet
13. Sanitary Landfill.....within 500 feet
14. Septic Tank.....within 500 feet
15. Sewage Treatment Plant.....within 500 feet
16. Sewage Wet Wellwithin 500 feet

If Nebraska Regulation Title 179, Chapter 2, amends any of the minimum footages set forth above, the footages set forth above shall likewise be deemed automatically amended consistent with such revisions.

(B) *Penalty.* Any person, corporation or other legal entity found violating any provision of sections 3-136 through 3-139 shall be subject to a fine, not to exceed one hundred dollars (\$100.00). The continuation of a violation of these sections shall be deemed an additional crime for every twenty-four (24) hours of such continued violation. In addition, the Village may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters. (*Ord. No. 483, 11/13/01*)

§3-140 WATER WELLS; WELLHEAD PROTECTION AREA. Wellhead Protection Area means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field. The Village Board designates a Wellhead Protection Area for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area are set forth on the map attached to Ordinance 484 and are incorporated herein by reference. (*Ord. No. 484, 11/13/01*)