

ORDINANCE NO. ~~2000~~ 735

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 1, SECTIONS 3-101, 3-105, 3-106, 3-108, 3-115, 3-116, 3-117, and 3-118 OF THE MUNICIPAL CODE OF GOTHENBURG, NEBRASKA, CHANGING DEFINITIONS, CHANGING RESPONSIBILITY FOR PAYMENT OF WATER SERVICE CONNECTION, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. A copy of Chapter 3, Article 1, Sections 3-101, 3-105, 3-106, 3-108, 3-115, 3-116, 3-117, and 3-118 of the Municipal Code of Gothenburg, Nebraska is attached hereto marked as Exhibit "A" and incorporated herein by this reference as though fully set forth.

Section 2. That said sections are hereby amended to read as follows:

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 Water/Sewer Foreman, who is responsible directly to the City Administrator. 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 City Administrator shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The City Administrator 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 resolution 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.*)

§3-108 MUNICIPAL WATER DEPARTMENT; MINIMUM

RATES. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Water/Sewer Foreman to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. (Ref 17-542 PS Neb.)

§3-115 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Water/Sewer Foreman, 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 PS Neb.)

§3-116 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 with-out the written permission of the Water/Sewer Foreman.

3-117 MUNICIPAL WATER DEPARTMENT; BACK-FLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING. (1) A customer of the Municipal Water Department may be required by the Water/Sewer Foreman to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the Water/Sewer Foreman.

(2) The customer shall make application to the Water/Sewer Foreman to install a required backflow prevention device on a form provided by the Municipality. The application shall contain at a minimum the name and address of the applicant, the potential hazard, the type of protection required, and the type of backflow device to be installed including brand and model number.

(3) The Water/Sewer Foreman shall approve or disapprove the application based on his/her opinion of whether such installation will protect the Municipal Water Distribution System from potential backflow and backsiphonage hazards.

(4) The installation of the device shall be subject to all other sections of this Code dealing with installation of plumbing, including the use of a plumber licensed by the Municipality if applicable.

(5) Such customer shall also certify to the Municipality at least one (1) time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Municipal Clerk.

(6) Any decision of the Water/Sewer Foreman may be appealed to the City Council.

(7) Water/Sewer Foreman for purposes of this section shall mean the duly acting Water/Sewer Foreman of the City or his authorized representative.

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(5) Such customer shall also certify to the Municipality at least one (1) time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Municipal Clerk.

(6) Any decision of the Water/Sewer Foreman may be appealed to the City Council.

(7) Water/Sewer Foreman for purposes of this section shall mean the duly acting Water/Sewer Foreman of the City or his authorized representative.

§3-118 MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT. (1) No customer or other person shall cause, allow, or create any physical connection between the Municipal Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the Municipal Water Distribution System.

(2) At least one (1) time every five (5) years, customers of the Municipal Water Distribution and Supply System shall be required to assess and report potential backflow and backsiphonage hazards to the Municipality on a form supplied by the Municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Water/Sewer Foreman.

Section 3. That any ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 7th day of March, 2000.

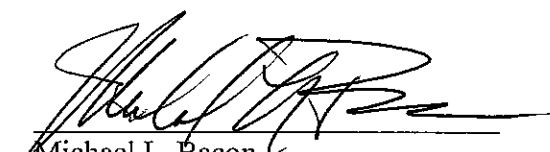
CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

BY Larry Franzen
Larry Franzen, Mayor

ATTEST:

Connie Stull
Connie Stull, City Clerk

APPROVED AS TO FORM:



Michael L. Bacon
City Attorney

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 Public Works Director, who is responsible directly to the City Administrator. 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 City Administrator shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The City Administrator 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.

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 City Administrator or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made except by order of said Administrator or his agent.

§3-105 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing water service to the lot line shall be paid by the Municipality. The consumer shall then pay the cost of installation and pipe from the lot line to the place of disbursement. In the event the consumer receiving new water service is a commercial class customer, the Municipality shall also supply and install the required water meter. The consumer shall be required to pay the expense of procuring the services of a licensed plumber and shall pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the said lot line to the place of disbursement. (*Ref. 17-542 RS Neb.*)

§3-106 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 stop box. The customer at his own expense shall replace and keep in repair all service pipe from the stop box to the place of disbursement. When leaks occur in service pipes, the Public Works Director shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Public Works Director. All water meters shall be kept in repair by the Municipality at the expense of the Municipality. When meters are worn out, they shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness,

carelessness, or neglect so that the meter must be repaired or replaced, the City Administrator shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times; provided, that if the test shows the water meter to be running two (2%) percent or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time, and if said meter is found to be beyond repair the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, that if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the City Administrator. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately. (Ref. 17-537 RS Neb.)

§3-107 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 Public Works Division bill the consumers and collect all money received by the Municipality on the account of the Water Department. The Division shall faithfully account for, and pay to the Municipal Treasurer all revenue collect by it, taking its receipt therefor in duplicate, filing one with the Municipal Clerk and keeping the other on file in the Water Department's official records. (Ref. 17-540 RS Neb.)

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§3-108 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Public Works Director to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. (Ref. 17-542 RS Neb.)

§3-109 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 City Administrator. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (Ref. 17-537 RS Neb.)

§3-110 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body or the City Administrator may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (Ref. 17-537 RS Neb.)

§3-111. 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 the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

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§3-112 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.)

§3-113 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP. All persons whose property abuts a water main that is now or may hereafter be laid shall be required, upon notice by the Governing Body, to hook-up the Municipal Water System. (Ref. 17-539 RS Neb.)

§3-114 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 service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Public Works Director 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 all water used on the said premise until the Public Works Director is otherwise advised of such circumstances. (Ref. 17-537 RS Neb.)

§3-115 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Public Works Director, 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.)

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(6) Any decision of the Public Works Director may be appealed to the City Council.

(7) Public Works Director for purposes of this section shall mean the duly acting Public Works Director of the City or his authorized representative.

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