

ORDINANCE NO. 17

AN ORDINANCE OF THE VILLAGE OF MANLEY, TO ESTABLISH RULES, RATES, AND REGULATIONS FOR THE WATER WORKS FACILITY TO BE CONSTRUCTED AND OWNED BY THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA TO PROVIDE FOR THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AND FOR THE REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MANLEY, CASS COUNTY, NEBRASKA,

Section 1. ADOPTION OF RULES AND REGULATIONS: The following Rules and Regulations are hereby adopted to govern the water services furnished by the Village in a uniform manner for the benefit of the Village and its water users. They are subject to change from time to time. All such changes must be approved by the State Director of the Farmers Home Administration, United States Department of Agriculture, or his successor, so long as the Village has unpaid obligations which are held by or insured by the United States of America. If any portion of these Rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

Section 2. DEFINITIONS: The following expressions when used herein, will have the meaning stated below:

Village: The Village of Manley, Nebraska

Board: The Board of Trustees of the Village

Water User: Any individual, firm, partnership, corporation, or other agency receiving water and water services, or to whom water services are made available from the municipal facilities pursuant to a written water user's agreement.

Point of Delivery: The point of delivery shall be at the curb stop unless otherwise specified in the water user's agreement.

Service: The term, when used in connection with the supplying of water, shall mean the availability for use by the water user of water adequate to meet the water user's requirement. Service

shall be considered as available when the Village maintains the water supply at normal pressure at the point of delivery, in readiness for the water user's use, regardless of whether or not the water user makes use of it.

Water User's Agreement: The written agreement or contract between the water user and the Village, pursuant to which water service is supplied or made available.

State Director: The State Director of the Farmers Home Administration for Nebraska, United States Department of Agriculture, or his successor.

Water Service: A water service shall consist of facilities for supplying water to one residence or business establishment.

Section 3. WATER COMMISSIONER: At the first regular meeting in August of each year, a water commissioner shall be appointed by the chairman, subject to the approval of the Board of Trustees. His duties shall be as set out herein.

Section 4. WATER USER'S AGREEMENTS AND PERMITS TO TAP WATER MAINS: No person shall tap any water main without first securing a permit therefore by submitting an application and obtaining an approval thereof. Water users signing water user's agreements prior to loan approval shall be required to pay a pre-installation connection fee of \$25.00. Water users signing water user's agreement after loan approval shall be required to pay a pre-installation fee of \$25.00, subject to the following:

a. Before a permit to tap the water main shall be issued, the applicant shall pay to the City Treasurer a sum estimated by the water commissioner to be sufficient to cover the cost of all materials and labor for making the tap in constructing the service complete from a point 5' inside the lot line to the middle of the street, avenue, or alley adjacent to such property. When service is larger than 3/4 inch, the water commissioner may estimate the amount of such materials and labor as are to be furnished by the Village and may require the applicant to construct the service

from the lot line to the water main at his own expense.

b. The cost of cutting and replacing paving shall be paid by the applicant and shall not be included in the fee paid for tapping permit.

c. Upon exhibition of the receipt for the proper fee, the water commissioner shall issue a permit to tap the water main, and may so permit any licensed plumber or competent Village employee to make such tap. The service shall be installed by and under the direction of a licensed plumber. Said permit shall be signed by the owner or his agent and shall carry the name of the licensed plumber authorized to make installation of the service.

Section 5. PIPE SERVICE: Service pipe from mains to meter shall be of any approved material that meets the specifications and pressure ratings as required by the water commissioner.

Section 6. TRENCHES: The water commissioner will require all trenches to be deep enough to prevent freezing. No trench, whether dug for a new service or repairs, shall be filled until the service has been tested and accepted by the water commissioner. All trenches shall be guarded to insure the safety of the public and the property as directed by the water commissioner.

Section 7. CUT-OFFS: Each service shall be provided with a curb stop at the outside edge of the sidewalk.

a. Curb stops shall be of the round way water works inverted ground key type, oval flow way, tee handle, without drain. All parts shall be of cast red brass having a nominal composition of 85 percent copper, 5 percent tin, 5 percent lead, and 5 percent zinc, with female iron pipe size connection and shall be designed for a minimum hydraulic pressure of 200 pounds per square inch.

b. Service boxes shall be of cast iron. Extension service boxes of the required length and having slide-type adjustment shall be installed at all service-box locations. The boxes shall have housings of sufficient size to completely cover the service

stop and shall be complete with identifying covers. Where the depth of cover over water mains is greater than 6'0", service boxes shall be provided with stationary rods having guide rings or other self-centering means.

c. The top of such service to be place on grade with the sidewalk. At least one cubic foot of gravel shall be place underneath each service box to provide for proper drainage.

Each service pipe shall be provided with a stop and waste cock with suitable handle, in the cellar or basement and below the action of frost, and within nine inches of the wall where such pipe enters the building.

Section 8. OWNER RESPONSIBILITY: The Village shall not be responsible for service pipes or accessories, nor for interior piping or fixtures. All owners at their own expense, must keep and maintain their service in good working order and properly protected from frost and other injury. No claim shall be made against the Village by reason of breaking of any service pipe, or apparatus or for damage that may result from variations of water pressure or from shutting off water for repair or other necessary purpose.

a. The owner shall be responsible for leaking pipes or fixtures and no reduction from regular water rates will be made because of such leaking pipes or fixtures.

b. The owner or occupant of any premises connected with Village water, shall keep all curb stops and meters readily accessible and shall protect the same and the meter from frost, from all other destructive agencies, and from injury or interference by any person. The owner or occupant shall notify the water commissioner in case of leaks, damage, or malfunctions of meter. The owner shall pay the cost of repairing meters that have been damaged by frost or his or their carelessness or maliciousness.

Section 9. PLUMBERS: No person except a regularly licensed plumber or a regular employee of the Village, shall be permitted

to or shall do any work on any service connected or to be connected with the Village water mains, or upon any pipes or fixtures connected with such service. Such plumbers shall comply with all ordinances, rules, or regulations that are now or may hereafter be adopted by the Village.

Section 10. PLUMBERS POWERS LIMITED: No plumber shall commence work of any kind mentioned in Section 9 until a permit for such service has been secured from the water commissioner and until a permit for such other piping work as may be required, has been secured from the water commissioner. Upon completion of the test of a new service, the plumber shall turn the water off at the curb stop, and shall not again turn it on. In case of leaks or other accidents to pipes or apparatus connected with the Village water mains, the plumber may shut off the water to make the necessary repairs. In all cases, a plumber shall leave the water shut off or turned on as he found it to be when he commenced work on the service or premises, except that the corporation cock on approved new or repaired services shall be left open. No plumber or other person shall extend water pipes from one premises to another without permission from the water commissioner.

Section 11. TAMPERING OR CONNECTING WITH SYSTEM: No person except by permission of the water commissioner shall place, remove, repair or tamper with any water meter, or shall open or connect to, dig out, or remove any hydrant, stop cock, valve box, water main, or other part of the waterworks system.

Section 12. PROCEDURE TO HAVE WATER TURNED ON: After the installation of a new water service, the owner or occupant desiring to use the Village water shall make application to the water commissioner for such service and make the required advance minimum payment on the water as is required by ordinance. Similar procedure shall be followed in requesting a turn-on after service has been discontinued. The water commissioner shall authorize the service personnel of the Village to make the necessary turn-on.

Section 13. NOTICE TO DISCONTINUE: Owner or occupants wishing to discontinue the use of water shall be required to give notice thereof to the water commissioner and regular rates shall be continued until such notice is given. Owners shall give notice of change of tenants.

Section 14. WATER USE LIMITED: All water used for street, lawn or garden sprinkling or for industrial purposes is declared to be subordinate to water used for domestic purposes or fire protection, and may be restricted by the water commissioner at any time should an emergency arise or a scarcity of water or lack of facilities require.

Section 15. METERS: Meters will be furnished, installed, owned, inspected, tested and kept in operating condition by the Village without cost to the water user except as outlined in Section 19 and except that each water user shall pay a connection fee set by the Village Board of Trustees which shall not be refundable. The applicant shall provide such opening and connection in his service as may be required by the water commissioner for the installation of a meter. Meters shall be installed in meter boxes near the property lines of the premises to be served. Such meter boxes shall be constructed of any approved material that meets the specifications and requirements of the water commissioner, and shall be large enough to facilitate servicing the meter and shall be adequately insulated and installed in such a manner to prevent freezing of the water in the meter.

Section 16. METERS READ: It shall be the responsibility of every water user whose premises are connected to and taking water from the Village water system to cause the meter on said premises to be read on the 1st day of each month and to compute the gallons of water consumed and the cost thereof pursuant to the rates established by the water commissioner and Village Board and set forth in this ordinance, and to make payment thereof to the Village Treasurer on or before the 10th day of each month. That in no event shall said remittance be less than the minimum rate established. It shall be the duty of the water commissioner to cause

all meters to be read on frequent intervals to determine accuracy of consumer reports.

Section 17. ESTIMATED READINGS: In case a meter is found to be defective, the quantity used shall be estimated and the charge made shall be based upon the average charge during two or more preceding months.

Section 18. LATE CHARGES: The failure of a water user to make payment on or before the 10th day of each month for water consumed will subject such user to an additional charge of 10% of the amount due.

Section 19. METER TESTS: Meters may be tested at any time by the Village. Requested tests of a meter will be made not to exceed once each year without charge. Should a consumer wish additional tests, a deposit of two dollars must be made by the consumer, which deposit shall be retained by the Village if the meter is found to be not to exceed two percent fast; and returned together with a proportionate refund of the cost of excess of two percent fast. A complete record of tests and histories of meters will be kept.

Section 20. AUTHORITY OF VILLAGE: The water commissioner or other officer or employee of the Village shall have power to enter the premises or buildings of water users at any reasonable hour for the purpose of reading, removing, installing, testing, or repairing meters, or for examining piping. Such official or employee shall have power to shut the water off from any premises for non-payment of water bills or to enforce repair of service between water main and meter, or to prevent waste of water. If necessary to dig up or repair the Village curb cock to shut off water, the cost of such labor and materials required may be added to the water bill for such premises and considered a part of same. Such officials or employees shall have the right to shut off the water from any main or mains for the purpose of repairs or improvements.

Section 21. WATER RATES: The rate for water service to users of the waterworks to be constructed by the Village of Manley, Nebraska shall be as follows:

RESIDENCE:

First 1,000 gallons	\$2.50 minimum
Next 1,000 gallons	\$1.00 per 1,000 gallons
All over 2,000 gallons	\$.75 per 1,000 gallons

BUSINESS:

First 1,000 gallons	\$5.00 minimum
Next 1,000 gallons	\$2.00 per 1,000 gallons
Next 2,000 gallons	\$1.50 per 1,000 gallons
All over 4,000 gallons	\$.75 per 1,000 gallons

Tank Sales - \$1.00 up to 500 gallons and \$1.00 for each additional 500 gallons.

Section 22. SHUT-OFF-FOR NON-PAYMENT: Water bills for excess water used during the preceding month and for minimum due in advance for the next month, shall become due in the first day of each month, and if not paid by the 20th of such month, the same shall become delinquent and the water service may be shut off as provided in Section 30 of this Ordinance. Failure to have read the meter on said premises shall not be an excuse for non-payment.

Section 23. MAIN EXTENSIONS AND FUTURE CONNECTIONS: In extending water mains to furnish service to an applicant or in making a connection to an existing main for an applicant after the completion of the original waterworks of the Village, the charge for such connection shall be a connection fee set by the Board which is subject to adjustment to take into consideration the average cost of the entire system to each water user at the discretion of the Board. The Village shall not be obligated to extend its mains to render service; however, at the discretion of the Board, and when sufficient funds are available in the renewal and extension fund of the waterworks to finance the entire cost of such extension, it may be permitted.

Section 24. APPLICANTS HAVING EXCESSIVE REQUIREMENTS: In the event any applicant's requirements are found to exceed the Village's ability to supply it from existing plant without adversely affecting service to other water users to an unreasonable extent, the Village will not be obligated to render such service, unless and until suitable self-liquidating financing is arranged to cover necessary investment in additional plant.

Section 25. AGREEMENTS WITH GOVERNMENTAL AND PUBLIC BODIES: The Board may make specific water service contracts with the United States of America and its agencies, the State of Nebraska, and its agencies, School Districts and municipal corporations and private institutional users differing from stipulations set out in the rate schedule and rules. Such contracts must receive written approval by the State Director before being placed in effect.

Section 26. CONTINUITY OF SERVICE: The Village will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions, or for the other necessary work. Efforts will be made to notify each water user who may be affected by such interruptions, but the municipality will not accept responsibility for losses which may occur due to such necessary interruptions.

The Village does not accept responsibility for losses which may occur due to interruptions of service for any cause.

Section 27. WATER REVENUE FUND: There shall be established in the treasury of the Village a special fund hereinafter referred to as the Water Revenue Fund and the water commissioner shall collect all money received by the Village on account of this system of waterworks and shall faithfully account for and pay over the same to the Village Treasurer who shall deposit all money and credits collected under this Ordinance, including fines and fees for violations of the same, in the Water Revenue Fund which shall be maintained in a bank designated by the Chairman and Board of Trustees for the Village of Manley, Nebraska. The

Water Revenue Fund shall be used exclusively for water works purposes and specifically as provided in Section 7 of Ordinance creating a water system of the Village of Manley, passed and read on the 2 day of MARCH, 1976 and posted. That upon the payment of the water bonds therein provided, the revenue fund account ~~shall~~ be used for the water system replacement and enlargement, as to initial deposit required for all water customers, a separate fund shall be established and kept inviolate for said depositor to be returned upon discontinuance of water service to said premises and written request made for same, save and except the Village of Manley, reserves the right to apply said deposit to any past due or delinquent account and the depositor forfeits ownership by virtue of said delinquency.

Section 28. RECORDS: Proper cost accounting and operation records shall be maintained by the water commissioner in such manner as to be readily accessible to the chairman and board of trustees. Records of plant operation shall show all pertinent data relating to pumpage and chemical treatment from day to day and shall also be consolidated into figures of operation by calendar month. Proper records of all water meters shall be maintained showing tests and repairs made, date of purchase, where installed and similar pertinent data.

Section 29. REPORTS: On or before August 15 and March 15 of each year, a detailed report shall be prepared by the water commissioner and filed with the Village Board. Such report shall cover both operational data and financial data pertinent to the preceding six months operation of the waterworks. The report shall show the amount of receipts and expenditures on account thereof; the condition of the waterworks system, of all mains, pipes, hydrants, reservoirs and machinery, and such improvements, repairs, and extensions thereof as the water commissioner may think proper. The report shall be accompanied by a detailed inventory of all water department property.

Section 30. WATER SHUT OFF: EXPENSE: The Village may shut off the water to any premises when the water rental shall have become delinquent, or upon violation of any of the rules and regulations of the Village or of this Ordinance, by the user or owner of the premises served.

a. When water shall have been so shut off; it shall not be turned on again until all arrears have been paid, together with an additional sum of \$10.00 to cover the expense of shutting off and turning on.

Section 31. INTERFERING WITH OR DAMAGING PROPERTY OF WATERWORKS SYSTEM OF VILLAGE PROHIBITED:

No person shall deface, damage, move obstruct, or interfere with any fire or water hydrant, main, or other property of the waterworks system of the Village, and for violation of this section, any person convicted thereof, in addition to other penalties provided, shall be required to pay the cost of restoring and repairing the property so damaged.

Section 32. VIOLATION OF THIS ORDINANCE PROHIBITED: LICENSE REVOKED: No plumber, consumer, or other person shall violate any of the provisions of this Ordinance.

a. In case of such offense being committed by a plumber, the Village Board may revoke the license of such plumber.

Section 33. That this Ordinance shall be in full force and effect from and after its passage, approval and posting in three public places as required by law.

Section 34. That any and all ordinances or resolutions or parts thereof heretofore adopted or passed in conflict or inconsistent herewith be and the same are hereby cancelled, rescinded and repealed.

ATTEST:


Village Clerk


Chairman