



# City of Grand Island

Tuesday, December 20, 2022

Council Session

## Item F-4

**#9912 - Consideration of Revision of Chapter 35 of the Grand Island City Code Relative to Water**

Staff Contact: Tim Luchsinger, Stacy Nonhof

# Council Agenda Memo

**From:** Timothy Luchsinger, Utilities Director  
Craig Lewis, Building Department Director  
Laura McAloon, City Attorney

**Meeting:** December 20, 2022

**Subject:** Ordinance #9912 – Consideration of Revisions to Chapter 35 of the City Code - Water

**Presenter(s):** Timothy Luchsinger, Utilities Director

## Background

During this year’s budget hearings, it was discussed that the Utilities Department assume ownership and maintenance of the water service lines in the City right of way. This would provide an equitable basis for property owners needing to replace water services and allow timely repairs to avoid damage to infrastructure in the right of way. Based on feedback from the Council, this recommendation was included in the current Water Utility budget and the following changes to City Code are proposed.

## Discussion

The proposed City Code changes to Chapter 35 – Water include revisions to applicable sections of the code that provide for the Utilities Department to assume ownership and maintenance of the portion of established water services to single dwelling residential properties including the corporation stop, attached to the water main, to the curb stop, located near the property line at the street right of way. Changes also include clarification to the allowed operation of valving for the water services.

## Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve Ordinance #9912 relative to revisions of the City Code, Chapter 35 - Water.

## **Sample Motion**

Move to approve Ordinance #9912 relative to revisions of the City Code Chapter 35 - Water.

ORDINANCE NO. 9912

An ordinance to amend Chapter 35 of Grand Island City Code, Sections 35-4, 35-5, 35-7-35-16, 35-34, 35-41, 35-43, and 35-54; and to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. That Chapter 35 of the Grand Island City Code shall be modified to read as follows:

**Article I. In General**

**§35-4. Water Service; Order Required**

~~The Utilities Director shall not order water to be supplied into any location, whether new or existing construction, until the water system to be served has been inspected and approved by the Grand Island Building Department.~~

Service Pipes 2” and Smaller: Water will not be supplied into any location except upon the order of the Utilities Director, and plumbers are prohibited from turning the water into any service pipe for testing, construction, or maintenance, or turn on purposes except on the order of the ~~Utilities Director; Utilities or Building Departments~~ provided, ~~that this rule shall not be construed to prevent licensed plumbers from admitting water to test pipes, but for that purpose only.~~

Service Pipes 3” and Larger: Water will not be supplied into any location except upon the order of the Utilities Director, and plumbers are prohibited from turning the water into any service pipe. Only the Utilities Department has the authority to put water into any service pipe for testing, construction, maintenance, or turn on purposes;

~~The Utilities Director shall not order water to be supplied into any location, whether new or existing construction, until the water system to be served has been inspected and approved by the Grand Island Building Department.~~

When water has been turned off from any consumer, the consumer shall not turn it on or permit it to be turned on without the written consent of the Utilities Director.

**§35-5. Service Pipes; Specifications; Laying**

A service pipe shall be defined as a private service, tapped off of a public water main, feeding a single lot or single entity/tenant.

Either copper or ductile iron pipe may be used at the option of the consumer. Copper service pipe shall be at least one-eighth inch larger in diameter than the tap through which it is supplied. ~~All piping shall sustain a pressure of not less than two hundred pounds per square inch (200 psi). All piping associated with fire protection shall conform to the testing and flushing requirements of the adopted version of the National Fire Protection Association (NFPA 24). All other piping shall be tested and flushed per the adopted version of the adopted Plumbing Code and/or the discretion of the Building Department.~~

Approved as to Form	☐ _____
December 14, 2022	☐ City Attorney

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All service pipes shall be laid under the surface of the ground with no less than five feet of earth cover, and in all cases shall be so protected as to prevent rupture by freezing unless otherwise authorized by the Grand Island Utilities Department.

In all cases, water service pipes, two inch or smaller in diameter, shall be of copper pipe between the water main and water meter. All new service pipe laid between the water main and the curb stop at the property line shall be built of continuous construction without joints, unions, or splices; ~~however~~however, two inch pipe may be installed with soldered joints or compression fittings.

All piping shall meet the following specifications:

Specifications for Copper Pipe:

Copper pipe shall be Type K, cold drawn to size and of the proper bending temper and shall be made from phosphorized copper completely deoxidized and have a purity of at least ninety-nine and nine-tenths percent copper.

Copper pipe shall have the following dimensions:

Nominal Size in Inches	Wall Thickness In Inches	Pounds/Lineal Foot	Outside Diameter In Inches
3/4	.065	.641	.875
1	.065	.839	1.125
<del>1 1/4</del>	<del>.065</del>	<del>1.04</del>	<del>1.375</del>
1 1/2	.072	1.36	1.625
2	.083	2.06	2.125

In all cases, service pipes larger than two inches in diameter which are laid between the water main in the street and the ~~valve at the property line~~ backflow device shall be of pressure class 350 ductile iron, either mechanical joint or slip joint pipe. This shall be built and laid to withstand a pressure of 200 psi and ~~shall conform to the standard specifications as recommended by the American Water Works Association for ductile iron pipe~~ must conform to City of Grand Island Division VI Specifications and Standards, the Plumbing Code adopted by the City of Grand Island, or current AWWA standards; whichever is most restrictive.

**§35-7. New Service Pipes; Cost and Installation**

~~The City shall furnish and install two inch and smaller water service pipe from the water main in the street to within six inches of the property line, at the expense of the consumer, and such service pipe shall include the corporation stop, pipe, curb stop, and stop box, and such installation shall include all labor of excavating and laying the same. The cost of the same shall be paid in advance to the Utilities Department before any work is done. In the event any expense is incurred by the City which exceeds the amount so paid, such additional expense shall be paid by the person responsible therefor before water is supplied to such consumer. All costs for furnishing and installing service piping larger than two inches shall be by the consumer.~~

For Single Family Residential Services: The customer is responsible for all costs of the new service installation. This includes the Utility tapping fee, any outstanding assessment fees, Building Department and ~~or~~ Utilities Department Fees, and all material and labor construction costs. All new service piping on the customer side of the curb stop must be installed under the supervision of a Contracting Plumber licensed within the jurisdiction. All new service piping from the water main up to, and including, the curb stop may be installed under the oversight of the Utilities Department or a Contracting Plumber. Once installed, and a meter release has been issued, the Utilities Department will take ownership of all components from the water main up to, and including, the curb stop. The customer will retain ownership and maintenance responsibility of all components from the curb stop up to, and including all facilities on their property.

For Commercial, Industrial, and Multi-Family Services: The customer is responsible for all costs of the new service installation. This includes the Utility tapping fee, any outstanding assessment fees, Building Department and Utilities Department ~~and/or~~ Utility Engineering Fees, and all material and labor construction costs. All new service piping on the customer side of the curb stop, or private line valve, must be installed under the supervision of

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~~a Contracting Plumber licensed within the jurisdiction, with the exception of service work performed in the right of way as part of a water main construction project. All new service piping 4" and larger may be installed by Utility Personnel, Utility Contractors, or a Contracting Plumber. The customer will retain ownership and maintenance responsibility of all components from the water main up to, and including, all facilities on their property. Looped fire mains will not be allowed unless given a written exception by the Utilities Director.~~

### §35-8. Excavations In Paved Streets

~~Whenever it shall be necessary to cut into, excavate in, bore in, or remove any portion of the paving in any street in the City to serve any lot with water, or to repair or relay any service pipe connecting any water main with any lot, a Right-Of-Way work permit must first be obtained from the Public Works Department of the City of Grand Island, the consent of the Utilities Director shall be first secured and the paving shall be restored to its former condition. The expense of cutting into, removing, and restoring the pavement shall be paid in advance by the owner of the lot to the Utilities Department. The work of removing and restoring any street pavement for any such purpose shall be by or under the supervision, control, and direction of the Public Works Director and in accordance with the provisions of this Code and any other specifications of the City regulating paving.~~

### §35-9. Refilling Excavations

~~After service pipes are laid, in refilling the opening, the earth shall be backfilled and compacted per City of Grand Island specifications laid in layers of not more than nine inches in depth and each layer thoroughly tamped and settled with water. Density tests shall be conducted for each vertical lift of compacted material placed conducted by an independent testing laboratory to certify compaction of at least 95% of maximum density within the public right of way and submitted to the City before acceptance of the project.~~ The streets, sidewalks, and pavements shall be restored to as good condition as before the excavation, and all dirt, stones or rubbish shall be removed immediately after completing the work. Should an excavation in any street, alley, or highway be left open or unfinished for the space of twenty-four hours, or should such work be improperly done or should any rubbish not be removed, the Utilities Director shall have the right to finish or correct the work, and the expense incurred shall be charged to and paid by the person responsible for such work, and shall be paid before water is supplied

### §35-10. Curb Stops; Stop Boxes

Unless otherwise permitted, curb stops ~~shall~~ will be placed in the service pipe, ~~in City ROW or a Public Utility Easement, and~~ within six inches of the property/easement line, ~~or as directed by the Utilities or Building Department, and. Must be~~ and protected by a valve box reaching from the top of the curb stop to the surface of the ground, of suitable size to admit a valve key for turning on and off the stop, and with a cast iron cover, having the ~~letter~~ word "Water" marked thereon, visible and even with the pavement, sidewalk or top of the ground. The valve box shall be kept closed and in good repair by the water consumer. In case a consumer refuses to keep the valve box in good condition, the Utilities Department shall put the same in good order, at the expense of the owner of the premises.

### §35-11. Tapping Mains or Distributing Pipes

No ~~person~~ entity except ~~by direction of~~ the ~~Utilities Director~~ Grand Island Utilities Department will be permitted, under any circumstances, to tap the water mains ~~or distributing pipe or distributing pipes,~~ or install corporation stops or appurtenances thereon. All pipes shall, in all cases, be tapped at the two o'clock position or at level, and not in any case nearer than fifteen inches of either end of the pipe, nor nearer than two feet to any other tap.

### §35-12. Repairs and Maintenance

~~All single family residential customers, as defined by the building code adopted by the City of Grand Island, assume ownership and repair/maintenance costs of the entire service line between the water main curb stop and their dwelling including the corporation stop, the piping, curb stop, valve boxes, meter, and backflow device. The Utilities Department will assume ownership from the water main up to, and including, the curb stop.~~

All commercial/industrial/multi-family entities, as defined by the building code adopted by the City of Grand Island, assume ownership and repair/maintenance costs of the entire service line and fire line from the water main to their property and all materials on their property including the isolation valves, private line valves, fire hydrants, valve boxes, and piping, meter(s), and backflow device(s).

All persons taking city water shall keep the service pipes, ~~curb stops~~, meters, ~~valves, valve boxes~~, and other apparatus in good working order and repair, and protect the same from frost at their own risk and expense. Leaking service pipes, ~~curb stops, corporation stops, valves~~, and other water service appurtenances shall be repaired in a timely manner by the consumer at the consumer's expense. Equipment not in good working order shall be replaced or repaired by the consumer at the consumer's expense. The Utilities Department shall have the right to operate the curb stops and/or valves at any time deemed necessary by the Utilities Director. The City shall not be responsible for any damage to or damage caused by failure of the customer's service pipe, corporation stops, curb stops, valves, or any other appurtenances of the water service, unless caused by gross negligence or intentional acts by the City or its employees or agents.

**§35-13. Exposure of Water Pipes to Frost**

No person shall dig up or uncover so as to expose to the frost, any water pipe of the city, except under the direction of the Utilities Director. All exposed water main must be protected from freezing by the use of insulating blankets or other approved methods whenever the temperature is below 40 degrees Fahrenheit.

**§35-14. ~~Public~~ Fire Hydrants for ~~P~~ublic Use**

All hydrants erected in the City for the purpose of extinguishing fire are hereby declared to be for public hydrants use. It shall be unlawful for anyone but authorized persons to obstruct a public hydrant, open any of such hydrants, attempt to draw water from the same, or in any manner interfere with the same. For purposes of this section, authorized persons shall mean members of the Fire Department, and then only for the use and purpose of the Fire Department, or persons specially authorized by the City or the Utilities Director, and then only in the exercise of the authority delegated by the City or Utilities Director. ~~Maintenance of hydrants~~ Hydrants not located in public right-of-way or public easements shall be the responsibility of the property owner. ~~Maintenance to maintain, which includes an annual inspection which can be completed by either the Grand Island Utilities Department or by a Contractor at the expense of the customer. The Grand Island Utilities Department fee will be published annually on the City Fee Schedule.~~

**~~§35-15. House Boilers~~**

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**Reserved**

~~All house boilers shall be constructed with one or more air holes near the top of the inlet pipe, and shall be sufficiently strong to bear the pressure of the atmosphere under the vacuum, and shall have an approved backflow preventer between the service pipe and the boiler. The valves and other appurtenances shall be sufficiently strong to bear the pressure of water in the mains.~~

**§35-16. Use of Water for Construction Purposes**

The Utilities Director shall have the authority to issue permits for the use of water for building and construction purposes. The regular charge shall be paid as though the water was taken by regular customer service. Temporary water meters and backflow devices will be provided by the Utilities Department upon request of service. Only the Grand Island Utilities Department shall be allowed to install, remove, or relocate temporary water meters. The customer is responsible for the protection of the device, including physical damage and freezing, during usage.

**Article III. Mains Constructed By Private Parties**

**§35-34. Water Mains; Department Standards**

A water main shall be defined as an extension of the publicly maintained water system, which services at least two independent lots and at least two independent entities/tenants. The design and construction of all water mains connected, either directly or indirectly, by private persons or entities, to the existing City water system shall

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meet all standards and specifications established by the Grand Island Utilities Department ~~and/or plumbing codes as adopted by the City of Grand Island, and AWWA standards and specifications, whichever is most restrictive.~~

**§35-41. Service Pipes**

~~Private persons or entities may furnish and install water service pipes to within six inches of private property lines; provided, only the Utilities Department will be permitted to tap the water mains or distribution pipes or install corporation stops or appurtenances as required.~~

**Article IV. Temporary Service And Abandonment**

**§35-43. Abandonment of Service Pipes**

All persons abandoning any water service pipe shall have a licensed plumber turn off the line at the water main tap ~~and All services 1.5" and smaller shall be cut and crimped the service pipe~~ as close as possible to, not to exceed one foot from, the tap ~~or have a sweated cap installed depending on the discretion of the City. All 2" services should be cut within a foot of the main and a cap should be sweated on the remaining stub. All services 3" and greater shall be abandoned based at the direction of the Utilities Department.~~ The Utilities Department shall be notified whenever a service pipe is abandoned and shall be permitted to inspect and approve all work done in connection with such abandonment. Any person failing to abandon a service pipe in compliance with this section shall be guilty of a violation of the Grand Island City Code and shall pay the Utilities Department for the costs of properly shutting off, closing or crimping any abandoned service pipe and shall be liable for any damages to municipal property caused by the improperly abandoned service pipe. The Utilities Director may approve alternate means of closing and abandoning service pipes upon request if the foregoing procedure is impractical.

**§35-54. Backflow Prevention; Penal Provision; Violation; Penalty**

Any person who violates any of the prohibitions or provisions of this ordinance, or who modifies plumbing or backflow preventers so as to defeat the protection against backflow, shall be deemed guilty of a misdemeanor ~~and/or disconnection of water service.~~ A new violation shall be deemed to have been committed each day of such failure to comply.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen (15) days in one issue of the Grand Island Independent as provided by law.

Enacted: December 20, 2022

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Roger G. Steele, Mayor

Attest:

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RaNae Edwards, City Clerk