

ORDINANCE NO. 806

AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO AMEND A SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, SECTION 170.55.27 REGULATING THE DRILLING AND OPERATION OF ANY WATER WELL WITHIN THE CITY LIMITS; PROVIDING RESTRICTIONS ON THE OPERATION OF CERTAIN FACILITIES WITHIN THE VICINITY OF ANY MUNICIPAL WATER WELL; TO ADD A SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, SECTION 170.55.28 PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING A REPEAL OF ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING A TIME WHEN THIS ORDINANCE GOES INTO FORCE AND EFFECT.

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

SECTION 1. TO AMEND A SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, SECTION 170.55.27 WATER; LIMITATIONS OF POTENTIAL CONTAMINATION ON WATER WELL to read:

170.55.27 WATER; LIMITATIONS OF POTENTIAL CONTAMINATION ON WATER WELL

The City of Stanton shall establish control over the location of future potential sources of contamination within the City of Stanton, the extraterritorial jurisdiction or to customers of the City of Stanton Water System, so as to prevent or minimize any hazard to the safety of the City’s drinking water.

It shall be unlawful to place, maintain, construct, or replace any of the following structures or to conduct any of the following activities within the distance specified below from any existing City Water Supply Well, water storage tank, or water treatment facility.

CATEGORY	DISTANCE
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Land Application of municipal/industrial waste material	1,000 feet
Feedlot or Feedlot Runoff	1,000 feet
Underground disposal system (septic system, cesspool, etc.)	500 feet
Corral	500 feet
Pit Toilet/Vault Toilet	500 feet
Wastewater Holding Tanks	500 feet
Sanitary Landfill/Dump	500 feet
Chemical or Petroleum Product Storage	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	50 feet

The governing body, may consider allowing placement of water wells, as defined by Nebraska Regulations governing public water supply systems (Title 179, NAC2) and Nebraska Regulations governing water well construction, pump installation and water

well abandonment standards (Title 178, NAC12) as amended from time to time, closer to a municipal water well, than the limitations set forth above. The well may be closer only under the following conditions:

- a. The City shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application, by the applicant. The applicant, in addition to any previously paid estimated costs should pay any additional costs, which are reasonably incurred by the engineer in making their examination and report.
- b. The governing body shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a water well, as defined in this article, the governing body must act to prevent all sources of possible or likely water contamination.
- c. If the governing body approves the installation, it shall submit the plan together with the engineer's report to the Department of Health and Human Services of the State of Nebraska for final approval or denial.

No installation shall be made without the approval of both the governing body and the Department of Health and Human Services of the State of Nebraska.

Water wells in existence and use, as of the effective date of this Ordinance, shall continue to be permitted unless such continued existence or use presents a hazard to the quality of the drinking water available for public use to the City. The owner of any well shall have the burden of establishing the existence and use of such well at the time of the effective date of this Ordinance.

SECTION 2. TO ADD A SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, SECTION 170.55.28 WATER; PENALTIES AND ABATEMENT PROCEDURE to read:

170.55.28 WATER; PENALTIES AND ABATEMENT PROCEDURE

In the event any of the above described facilities in Section 170.55.27 are installed or operated without first having obtained a permit from the City of Stanton and/or within the designated number of feet from any municipal water supply, then such facilities shall be deemed a nuisance and the governing body shall abate such facility as a public nuisance. In addition thereto, any person violating any of the terms of this ordinance is hereby determined to be "guilty" of a class 3 misdemeanor as the same is defined by Nebraska Statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class 3 misdemeanor.

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

SECTION 4. That this ordinance shall be in full force and take effect from and after its passage, approval and publication or posting in pamphlet form as required by law.

Passed and approved this 5th day of October, 2010

Colleen M. Paden, Mayor

ATTEST:

Nancy A. Morfeld, City Clerk