

ORDINANCE NO. 357

AN ORDINANCE PROVIDING MUNICIPAL WELLHEAD PROTECTION FROM HAZARDOUS CHEMICALS ; PENALTY; REPEAL OF ORDINANCES IN CONFLICT; AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF TRUSTEES FOR THE VILLAGE OF DONIPHAN, HALL COUNTY, NEBRASKA:

SECTION 1. HAZARDOUS CHEMICALS WITHIN FIVE HUNDRED (500) FEET OF MUNICIPAL WELLHEAD. It shall be unlawful for any person, business, corporation or association to store bulk chemical pesticide or other substances found by the Director of Health or his or her authorized representative for the State of Nebraska, to be harmful to human health as set forth in the rules and regulations promulgated under the Nebraska Safe Drinking Water Act within Five Hundred (500) feet of any municipal wellhead.

SECTION 2. BULK CHEMICALS DEFINED. "Bulk Chemicals" shall mean containers of chemicals determined by the Director of Health to be harmful to human health pursuant to the Nebraska Safe Drinking Water Act in quantities greater than one gallon per chemical. Provided however, gasoline stored in an automobile or in a container not exceeding ten gallons shall not be regulated by this Ordinance.

SECTION 3. APPLICATION OF CHEMICAL FERTILIZERS. Nothing herein shall prevent the application of liquid or chemical fertilizers for the propagation of plants or normal vegetation in any yard or lot, provided that the person, business, corporation, or association applying the same upon said yard or lot, shall not keep said hazardous chemicals at any location within the Village of Doniphan for a period exceeding two (2) hours. Provided further, that whenever any individual, business, corporation or association applies said chemicals, the chemicals shall be diluted to the concentration recommended by the manufacturer, Environmental Protection Agency or the Nebraska Department of Health.

SECTION 4. VIOLATION. Any person, business, corporation or association found in violation of the terms of this Ordinance, shall be deemed guilty of a misdemeanor for every day they are found to be in violation. Any person, business, corporation or

association found in violation of this Ordinance, shall pay a fine not less nor more than \$100.00 per day.

SECTION 5. REPEAL OF ORDINANCES IN CONFLICT. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its final passage and publication as required by law.

Passed and approved this 14th day of June, 1994.

DONIPHAN BOARD OF TRUSTEES

BY: Randy Kathman
RANDY KATHMAN, Chairman

Attest:

Patti J. Fierstein
PATTI J. FIERSTEIN, Village Clerk