

Alma

Passed & Approved  
10/31/97

Council member CALKINS introduced Ordinances No. 10-217-1 through 10-217-3 entitled:

**ORDINANCE NO. 10-217-1**

MUNICIPAL WATER DEPARTMENT; EXCEPTIONS TO REQUIREMENTS FOR APPLICATIONS FOR CONSTRUCTION AND OPERATION OF SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; REPEALING ALL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 10-217-2**

MUNICIPAL WATER DEPARTMENT; APPLICATION PROCESS FOR CONSTRUCTING SOLID AND LIQUID WASTE STORAGE AND DISPOSAL FACILITIES; REPEALING CONFLICTING ORDINANCES AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 10-217-3**

MUNICIPAL WATER DEPARTMENT; REVOCATION OF PERMIT FOR NON-COMPLIANCE; TO PROVIDE AN EFFECTIVE DATE.

and moved that the statutory rule requiring reading on three different dates be suspended. Council member FLEISCHMANN seconded the motion to suspend the rules and upon roll call vote on the motion the following council members voted YES: LAKIN, BRANDON,

CALKINS, FLEISCHMANN. The following voted NO: NONE.

The motion to suspend the rules was adopted by 3/4 of the City Council and the statutory rule was declared suspended for consideration of this Ordinance.

This Ordinance was then read by title and thereafter council member LAKIN moved for final passage of the Ordinance which motion was seconded by council member FLEISCHMANN.

The Mayor then stated the questions "Shall Ordinances 10-217-1 through 10-217-3 be passed and adopted?" Upon roll call vote, the following council members voted YES: BRANDON, CALKINS, FLEISCHMANN,

LAKIN.

Alma-2  
The following voted NO: NONE

The passage and adoption of these ordinances having been concurred by a majority of all members of the council, the mayor declared the Ordinances adopted; and the Mayor in the presence of the City Council signed and approved the Ordinances and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinances to be published in pamphlet form as provided therein. A true, correct and complete copy of these Ordinances are attached hereto and incorporated hereby reference.

**ORDINANCE NO. 10-217-1**

MUNICIPAL WATER DEPARTMENT; EXCEPTIONS TO REQUIREMENTS FOR APPLICATIONS FOR CONSTRUCTION AND OPERATION OF SOLID AND LIQUID WASTE STORAGE AND DISCHARGE FACILITIES; REPEALING ALL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. All manufacturing, livestock or other facilities which create liquid or solid waste within fifteen miles of the corporate limits of the City of Alma shall apply for and obtain a permit from the City of Alma to construct and operate liquid and solid waste storage and disposal facilities as set forth in Alma Municipal Code Section Number 3-129 unless either of the following circumstances apply:

- a) Construction has been completed and such manufacturing, livestock or other facility is operating at or prior to the date of final passage of this ordinance;
- b) The facility is a livestock facility that has a capacity of not more than 2,500 head of livestock at anytime.

Section 2. If an existing manufacturing, livestock or other facility which is excepted from obtaining a permit by Section 1.a)

of this ordinance undertakes an expansion of such facility so that it generates more waste for disposal or in the case of a livestock facility excepted from obtaining a permit by Section 1. b) expands to more than 2,500 head capacity and generates additional waste then such facility shall apply for a permit as set forth in Section 3-131 the Municipal Code.

Section 3. This ordinance shall repeal ordinance number 10-077-2 and all other ordinances in conflict with this ordinance.

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 21 day of October, 1997.

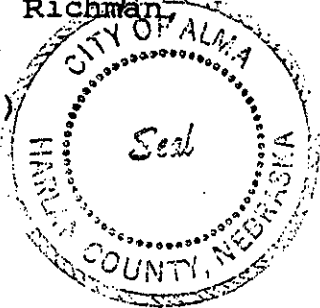
APPROVED:

Hal Haeker  
Hal Haeker, Mayor,  
City of Alma, Nebraska.

ATTEST:

Michael L. Richman  
Michael L. Richman,  
City Clerk

( S E A L )



Alma 4

ORDINANCE NO. 10-217-2

MUNICIPAL WATER DEPARTMENT; APPLICATION PROCESS FOR CONSTRUCTING SOLID AND LIQUID WASTE STORAGE AND DISPOSAL FACILITIES; REPEALING CONFLICTING ORDINANCES AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. All applications made for a permit for the construction and operation of holding ponds, lagoons, tanks or other containers for the storage of liquid or solid waste or for the discharge of such waste onto or under the surface of the soil or to be discharged into any waterway pursuant to section number 3-129 of the Municipal Code shall be made as follows:

- a) Such application shall be filed with the City Superintendent at the Alma City Clerk's office.
- b) All applications shall consist of all written materials required by the Department of Environmental Quality or its successor agency of the State of Nebraska for the operation of such facility. In the event that the Nebraska Department of Environmental Quality or its successor does not require an application, then the applicant shall provide the City Superintendent with a comprehensive set of plans for the waste disposal system of the proposed facility, technical data about the soils where such facility is to be constructed; a detailed plan about the proposed construction process and a detailed plan for the storage and disposition of liquid or solid waste and a plan for cleaning up or sealing the site when the facility has not been used for more than one year to prevent pollution from occurring after the facility has been closed. In the event that the facility is closed for more than one year and re-opened the owner-operator shall re-apply for a new permit.
- c) The City Superintendent shall meet with the applicants to review the written materials at the request of the applicants and the City Superintendent may request that he or she be

given a tour of the proposed site of said facility along with any engineering or other consultants that the City may retain to assist the City Superintendent in reviewing the application. Within thirty days after the City Superintendent has received all of the required materials for a complete application and made inspections the City Superintendent shall inform the applicant by certified mail of his decision on whether or not to grant a permit.

- d) If a permit is not granted the City Superintendent shall state the reasons for not accepting the application and explain the changes that will need to be made to the facility to be approved. If applicant does not agree with the findings of the City Superintendent then he shall be entitled to a hearing before the Alma City Council to appeal such decision to reject the application. Said hearing shall be scheduled after a written request by the applicant not more than thirty days after such request and applicant shall be given at least fourteen days notice of the hearing. Applicant may be represented by legal counsel at said hearing and may present testimony from expert witnesses who are present at the hearing or by affidavit of said experts. The City Council shall render its decision within thirty days of the hearing on applicant's appeal unless the City Council retains a consultant to review information submitted by applicant at the appeal hearing; in that event the City Council shall render its decision within thirty days of receiving a final report from its consultant. If the City Council rejects said application then applicant may file for relief from such denial for a permit with the appropriate state court.


Section 2. This ordinance shall repeal ordinance number 10-077-3 and all other ordinances in conflict with this ordinance.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

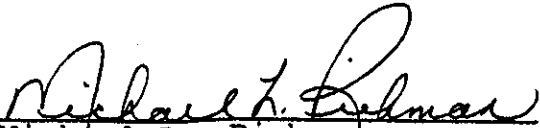
Alma - 6

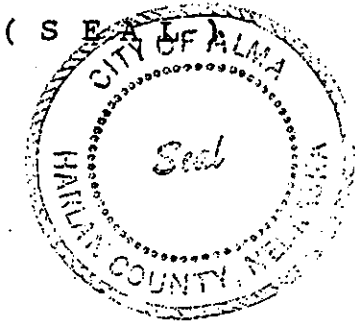
PASSED AND APPROVED this 21 day of October, 1997.

APPROVED:

  
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Hal Haeker, Mayor,  
City of Alma, Nebraska.

ATTEST:

  
\_\_\_\_\_  
Michael L. Richman,  
City Clerk.



Ordinance No. 10-217-3

MUNICIPAL WATER DEPARTMENT; REVOCATION OF PERMIT FOR NON-COMPLIANCE; TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALMA, NEBRASKA;

Section 1. In the event that any facility which has received a permit to construct and operate holding ponds, lagoons, tanks or any other containers for storing liquid or solid waste which will be discharged into waterways or onto or under the soil pursuant to Section No. 3-129 of the Alma Municipal Code is not constructed or operated according to the plan submitted for approval or in the event that the permit was obtained by false information on the application then the City Superintendent is authorized to revoke any permit for the construction and operation of such facility.

Section 2. If a permit is revoked the City Superintendent shall notify the applicant by certified mail and said notice shall state the reasons for revoking the application and explain the changes that will need to be made to the facility for its permit to be reinstated. If applicant does not agree with the findings of the City Superintendent then applicant shall be entitled to a hearing before the City Council to appeal such decision to revoke the permit. Said hearing shall be scheduled after a written request by the applicant not more than thirty days after such request and applicant shall be given at least fourteen days notice of the hearing. Applicant may be represented by legal counsel at said hearing and may present testimony from expert witnesses who are present at the hearing or by affidavit of said experts. The City Council shall render its decision within thirty days of the

Alma-8

hearing on applicant's appeal unless the City Council retains a consultant to review information submitted by applicant at the appeal hearing; in that event the City Council shall render its decision within thirty days of receiving a final report from its consultant. If the City Council concurs with the revocation of the permit then applicant may file for relief from such revocation of permit with the appropriate state court.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

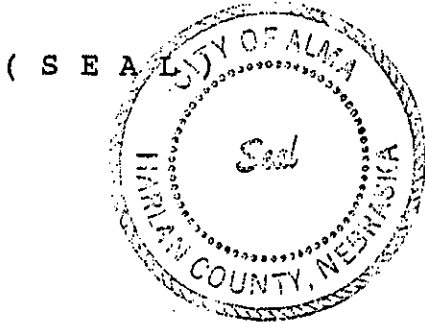
PASSED AND APPROVED this 21 day of October, 1997.

APPROVED:

Hal Haeker  
Hal Haeker, Mayor,  
City of Alma.

ATTEST:

Michael L. Richman  
Michael L. Richman,  
City Clerk.  
Village Clerk.





property. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

**Source:** Laws 1881, c. 23, § 8, XV, p. 178; Laws 1885, c. 20, § 1, XV, p. 169; Laws 1887, c. 12, § 1, XV, p. 297; Laws 1893, c. 8, § 1, p. 135; Laws 1903, c. 21, § 1, p. 251; Laws 1905, c. 30, § 1, p. 257; Laws 1907, c. 17, § 1, p. 128; R.S.1913, § 5119; Laws 1917, c. 103, § 1, p. 272; Laws 1919, c. 48, § 1, p. 138; Laws 1919, c. 52, § 1, p. 152; Laws 1919, c. 46, § 2, p. 132; C.S.1922, § 4292; Laws 1925, c. 41, § 1, p. 159; C.S.1929, § 17-441; Laws 1935, c. 34, § 1, p. 143; C.S.Supp.,1941, § 17-441; R.S.1943, § 17-535; Laws 1951, c. 101, § 57, p. 473.

**17-536. Waterworks; water supply; pollution; power to prevent.** The jurisdiction of such city or village, to prevent any pollution or injury to the stream or source of water for the supply of such waterworks, shall extend fifteen miles beyond its corporate limits.

**Source:** Laws 1881, c. 23, § 8, XV, p. 178; Laws 1885, c. 20, § 1, XV, p. 169; Laws 1887, c. 12, § 1, XV, p. 298; Laws 1893, c. 8, § 1, p. 135; Laws 1903, c. 21, § 1, p. 251; Laws 1905, c. 30, § 1, p. 258; Laws 1907, c. 17, § 1, p. 128; R.S.1913, § 5119; Laws 1917, c. 103, § 1, p. 272; Laws 1919, c. 48, § 1, p. 138; Laws 1919, c. 52, § 1, p. 152; Laws 1919, c. 46, § 2, p. 133; C.S.1922, § 4292; Laws 1925, c. 41, § 1, p. 159; C.S.1929, § 17-441; Laws 1935, c. 34, § 1, p. 143; C.S.Supp.,1941, § 17-441.

**17-537. Waterworks; rules and regulations.** The council or board of trustees of such cities and villages shall have power to make and enforce all needful rules and regulations in the construction, use, and management of such waterworks, mains, portion or extension of any system of waterworks or water supply and for the use of the water therefrom.

**Source:** Laws 1881, c. 23, § 8, XV, p. 178; Laws 1885, c. 20, § 1, XV, p. 169; Laws 1887, c. 12, § 1, XV, p. 298; Laws 1893, c. 8, § 1, p. 135; Laws 1903, c. 21, § 1, p. 251; Laws 1905, c. 30, § 1, p. 258; Laws 1907, c. 17, § 1, p. 128; R.S.1913, § 5119; Laws 1917, c. 103, § 1, p. 272; Laws 1919, c. 48, § 1, p. 139; Laws 1919, c. 52, § 1, p. 152; Laws 1919, c. 46, § 2, p. 133; C.S.1922, § 4292; Laws 1925, c. 41, § 1, p. 159; C.S.1929, § 17-441; Laws 1935, c. 34, § 1, p. 143; C.S.Supp.,1941, § 17-441.

**17-538. Waterworks; use of water; rates or rental; collection.** Such cities and villages shall have the right and power to tax, assess, and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such waterworks, mains, portion or extension of any system of waterworks or water supply as the council or