

ORDINANCE NO. 229

AN ORDINANCE TO CREATE A WELLHEAD PROTECTION AREA IN RESPECT TO THE SURFACE AND SUBSURFACE AREA SURROUNDING WATER WELLS SUPPLYING THE PUBLIC WATER SYSTEM FOR THE VILLAGE OF ALDA, NEBRASKA AND TO PROVIDE FOR THE REGULATION OF CERTAIN FUTURE USES WITHIN THE RESTRICTED PROXIMITY TO THE PUBLIC WATER SYSTEM, INCLUDING PENALTIES FOR VIOLATIONS OF SUCH RESTRICTIONS.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ALDA, NEBRASKA:

Section 1. That Chapter 3, Article 1, Section 3-122, of the Alda Municipal Code be enacted to read as follows:

DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL. From and after the effective date of this ordinance, it shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the Village of Alda, Nebraska, and all adjacent areas located within one mile of such corporate limits, without first having obtained a permit from the Alda Village Board of Trustees: potable water well; non-potable water well; sandpoint well; sewage lagoon; absorption or disposal field for water; cesspool; septic tank; dumping grounds; feedlot; livestock corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; sewage treatment plant; or sewage wet well. All facilities existing on the effective date of enactment shall be exempt from the requirements of this Section 3-122 and Section 3-123.

Section 2. That Chapter 3, Article 1, Section 3-123, of the Alda Municipal Code be enacted to read as follows:

PROCEDURE TO OBTAIN PERMIT. Should any person, corporation or other legal entity desire to obtain a permit to drill and/or operate any of the facilities described in Section 3-122, the owner of real property on which the proposed facility is to be located, must complete and submit an application therefor to the Alda Village Clerk identifying the facility to be constructed and the location of such facility. Upon receipt of such application, it shall then be presented to the Alda Village Board of Trustees at the next regularly scheduled meeting, or special meeting, during which it may be timely placed upon the agenda. Upon review of such application, the Alda Village Board of Trustees shall approve or deny such permit.

Section 3. That Chapter 3, Article 1, Section 3-124, of the Alda Municipal Code be enacted to read as follows:

DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES PROHIBITED. Under no circumstances shall the Alda Village Board approve any

permit to drill or operate any of the below described facilities within the indicated number of feet from the Village of Alda water wells:

All water wells, including, but not limited to, domestic supply wells, irrigation wells, stock wells, sandpoint wells, and heat pump wells	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for water	500 feet
Cesspool	500 feet
Septic tank	500 feet
Dumping grounds	500 feet
Feedlot	500 feet
Livestock Corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Sewage treatment plant	500 feet
Sewage Wet Well	500 feet

Section 4. That Chapter 3, Article 1, Section 3-125, of the Alda Municipal Code be enacted to read as follows:

PENALTIES AND ABATEMENT PROCEDURE. Any regulated facilities described in Section 3-122 of the Municipal Code of Alda, Nebraska installed or operated without first having obtained a permit from the Alda Village Board of Trustees shall be deemed a nuisance and the Village of Alda, Nebraska shall proceed to abate such facility in accordance with Alda Municipal Code Section 4-303 or Alda Municipal Code Section 6-402. In addition thereto, any person violating any of the terms of Alda Municipal Code Section 3-122 shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Section 5. That any other 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 6. 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 ____ day of _____, 2001.

Chairperson