

ORDINANCE NO. 5725

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO REPEAL SECTION 26-4 OF THE OFFICIAL CITY CODE RELATED TO WATER EMERGENCY RESTRICTIONS AND ENACT A NEW SECTION 26-4 IN ITS PLACE TO ADDRESS LAWN IRRIGATION; TO AMEND SECTION 26-5 OF THE CODE TO REMOVE THE REFERENCE TO SECTION 26-4 RELATED TO VIOLATIONS; TO ENACT SECTIONS 26-10 AND 26-10.1 OF THE CODE UNDER CHAPTER 26, ARTICLE II, DIVISION I TO REQUIRE PREMISES LOCATED WITHIN 300 FEET OF A PUBLIC WATER DISTRIBUTION MAIN TO BE CONNECTED TO PUBLIC WATER; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Section 26-4 of the Official City Code be repealed and a new Section 26-4 be enacted to read as follows:

~~Sec. 26-4. Water emergency restriction; alternate days.~~

~~When directed by the city administrator or his or her authorized representative, except as provided by section 26-3 above, water restrictions shall be as follows: All city water customers whose street address ends in an even number shall use city water upon their premises for the purpose of watering lawns, gardens, trees or shrubs on even-numbered days of the week only; and all city water customers whose street address ends in an odd number shall use city water upon their premises for the purpose of watering lawns, gardens, trees or shrubs on odd numbered days of the week only.~~

Sec. 26-4. Lawn irrigation.

Lawn irrigation should be limited as follows:

- (a) Properties with street addresses ending in even numbers (0, 2, 4, 6 and 8) should limit outdoor water use to Wednesdays, Fridays and Sundays.
- (b) Properties with street addresses ending in odd numbers (1, 3, 5, 7 and 9) should limit outdoor water use to Tuesdays, Thursdays and Saturdays.

Section 2. That Section 26-5 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 26-5. Water emergency; violation, penalty.

Notwithstanding the provisions of ~~s~~Section 26-17 of the Official City Code, violations of ~~sections~~ Section 26-3 and 26-4 shall constitute an offense, and upon conviction thereof shall be punishable by the general penalty provision found at ~~s~~Section 1-16 of the Official City Code.

Section 3. That Sections 26-10 and 26-10.1 of the Official City Code be and the same are hereby enacted under Chapter 26, Article II, Division I to read as follows:

Sec. 26-10. Connection to water systems.

(a) All premises, residential, commercial or industrial businesses within the city limits and the city's two mile extraterritorial zoning jurisdiction shall be directly connected to a public water distribution main if the property is located within three hundred (300) feet of a public water distribution main. Connection to a public water distribution main will be required upon failure of an existing domestic well or at the time of new construction. Well failure is defined as the point at which the well is no longer functional and the drilling of a new well is needed.

(b) All new private water wells for premises located within three hundred (300) feet of a public water distribution main will be prohibited after (insert date Ordinance approved) unless approved by the public works director.

Sec. 26-10.1 Connection to water systems, waiver.

(a) The owner of a property may request a waiver of the required water connection from the city council, after review and approval by the public works director, if the distance from any portion of the habitable building or structure to the public water distribution main system exceeds four hundred fifty (450) feet measured along the most direct route available by street, alley or easement to the public water distribution main.

(b) The owner of property for which a waiver is being sought shall file an application with the city clerk. The city clerk shall place the request on the next regular city council meeting agenda. Said waiver shall only be granted after a hearing and an affirmative vote of three-fourths (3/4) of all members of the city council. The city council in granting such a waiver shall

have the power to place any reasonable restrictions or conditions on said waiver that the city council deems necessary to give effect to the intent of this section.

(c) If a domestic well is allowed and the well becomes impacted by groundwater that is classified or deemed to be contaminated, the property owner will be required to hookup to the public water distribution main if the distance from any portion of the habitable building or structure is located within four hundred fifty (450) feet measured along the most direct route available by street, alley or easement to the public water distribution water main.

Section 4. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this 15th day of March, 2021.

ATTEST:

Brianna Duerst
Brianna Duerst, City Clerk

Josh Moenning
Josh Moenning, Mayor

Approved as to form: _____
Danielle Myers-Noelle, City Attorney

