

ORDINANCE NO. 01- 1

AN ORDINANCE OF THE VILLAGE OF THEDFORD, NEBRASKA, PROVIDING FOR PROTECTION OF VILLAGE WATER, PROVIDING FOR CONTROL BY THE VILLAGE OVER THE LOCATION OF FUTURE POTENTIAL SOURCES OF CONTAMINATION OF VILLAGE WATER SUPPLIES, PROVIDING FOR THE PREVENTION OR MINIMIZATION OF HAZARDS TO THE SAFETY OF THE VILLAGE DRINKING WATER, PROVIDING FOR STRUCTURES OR ACTIVITIES PROHIBITED WITHIN DEFINED DISTANCES FROM EXISTING WATER WELLS, PROVIDING FOR THE REQUIREMENT OF PERMITS FOR CONSTRUCTION OF WATER WELLS, PROVIDING FOR PLACEMENT OF WATER WELLS AND EXCEPTIONS THERETO, REPEALING ALL PRIOR ORDINANCES AND PARTS OF ORDINANCES WHICH ARE IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.

WHEREAS, the Village of Thedford, Thomas county, Nebraska, is charged with the responsibility of protection of village water supplies, and,

WHEREAS, the Village of Thedford, Nebraska, is required to establish control by the Village over the location of future potential sources of contamination both within the Village and within the Village's extra-territorial jurisdiction and over the Village's drinking water system so as to prevent or minimize hazards to the safety of the Village's drinking water; and,

WHEREAS, the Village of Thedford, Nebraska, is furthermore obligated to protect Village water by the limitation of location of future water wells within the corporate limits or within one mile of the corporate limits of the Village of Thedford, Nebraska, and,

WHEREAS, the Village of Thedford, Nebraska, is charged with the obligation of preventing the construction of certain types of improvements in locations that may adversely affect the water of the Village of Thedford, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN OF THE VILLAGE BOARD AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF THEDFORD, THOMAS COUNTY, NEBRASKA, AS FOLLOWS, TO WIT:

SECTION 1: Definitions. For purposes of this Ordinance, a water well shall mean any excavation that is drilled, corralled, bored, washed, dug, driven, jetted or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geo-thermal properties of the ground or extracting water from or injecting water into the underground water. Water wells shall not include any excavation made for obtaining or prospecting for oils, natural gas, minerals, gravel or products mined or quarried, or inserting media to re-pressurize oil or natural gas bearing formations.

SECTION 2: Protection of Village water; Purpose. The Village of Thedford, Nebraska, does hereby establish control, within the Village, of the location of future potential sources of contamination of Village water supplies within the Village, within the extra-territorial jurisdiction of the Village or generally with the Village's drinking water system, so as to prevent or minimize any hazard of the safety of the Village's drinking water.

SECTION 3: Protection of village water; structures or activities prohibited within defined distance from existing wells.

- A. It shall be unlawful to place, maintain, construct or replace any of the following structures, or conduct any of the following activities, within the distances specified below from any existing municipal water well, water storage tank or existing underground water main:

CATEGORY

DISTANCE

City Water Main	500 feet
Sewage Lagoon	1,000 feet
Water Well	1,000 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Chemical Storage	500 feet
Petroleum Storage	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Absorption or Disposal	500 feet
Field for Waste	500 feet

SECTION 4: Protection of Village water; construction of water well; permit required.

- A. The construction of a water well within the corporate limits or within one mile of the corporate limits, as the same may be, from time to time, amended, of the Village, shall not be commenced until and unless a permit, on a form approved by the Village Board of Trustees of the Village of Theford, Nebraska, allowing for and approving said construction, shall first have been obtained from the Village Clerk.
- B. Application for water well as provided herein shall be on forms provided by the Village Clerk.
- C. The fee for processing of any application for a water well as provided herein shall be \$ \_\_\_\_\_, which sum shall be paid to the Village Clerk upon request for and receipt of application for permit by the applicant as provided herein. Said application fee shall not be refundable once paid.

SECTION 5: Protection of Village water; placement of water wells; exceptions.

- A. The Village Board of Theford, Nebraska, shall issue permits for drilling of water wells, as provided under the terms of this Ordinance, and, in determining whether or not to issue such permit, may consider, in determining whether or not to allow or issue such permit, Nebraska regulations governing public water supply systems as provided under Title 179, NAC2, and Nebraska regulations governing water well construction, pump installation and water well abandonment standards as provided under Title 178, NAC12, as amended, from time to time.
- B. The Village may consider allowing placement of water wells, as defined by Nebraska regulations governing water well construction, pump installation and water well abandonment standards (Title 178 NAC 12) as amended from time to time, closer to a municipal water well than the limitations set forth in Section 3 A hereof. For determination of whether or not closer placement of a water well shall be allowed, the following conditions must be met prior to such placement, to wit:
  1. The Village 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. Any additional costs, which are reasonably incurred by the engineer in making his/her examination and report shall be paid by the applicant, in addition to any previously, paid estimated costs.
  2. The Village Board 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 above defined, the Village Board must act to prevent all sources of possible or likely water contamination.
3. In the event that the Village Board shall approve the installation of a water well as provided in the terms of this section, any completed application submitted to the Village of Thedford, Nebraska, together with an engineer's report, shall be submitted to the State of Nebraska, Department of Health, for final approval or denial.
  4. No installation of any water well shall be made without the approval of both the Village Board of the Village of Thedford, Nebraska, and the State of Nebraska, Department of Health. Upon receipt of approval of proposed water well from the State of Nebraska, Department of Health, a copy of the permit so issued shall be filed with the Village Clerk of the Village of Thedford, Nebraska, prior to commencement of construction of said water well.

SECTION 6: Repeal of all prior Ordinances in conflict. All Ordinances and parts of Ordinances passed and approved prior to the passage and approval of this Ordinance and in conflict herewith, are hereby repealed.

SECTION 7: When operative. This Ordinance shall be in full force and take effect from and after its approval, passage, publication or posting according to law.

Passed, approved and adopted and ordered published this 8<sup>th</sup> day of May, 2001.

VILLAGE BOARD OF TRUSTEES OF THEDFORD, THEDFORD, NEBRASKA,

BY: Judy C. Taylor  
Chairman

ATTEST: Bonda Hauman  
Village Clerk

CERTIFICATE

I hereby certify that the above Ordinance was posted by me in three public places in the Village of Thedford, Nebraska, as follows:

1. Thomas County Courthouse
2. Thomas County Library
3. Community First Bank

at 3pm o'clock on the 12<sup>th</sup> day of June, 2001.

Bonda Hauman  
Village Clerk