

ORDINANCE NO. 141

AN ORDINANCE OF THE VILLAGE OF BENEDICT, NEBRASKA, TO AMEND ARTICLE 1, CHAPTER 3 OF THE BENEDICT VILLAGE CODE, BY ADDING NEW SECTIONS TO THE CODE TO PROVIDE FOR WELL-HEAD PROTECTION TO THE MUNICIPAL WATER SUPPLY; TO PREVENT SOURCES OF CONTAMINATION; TO PROVIDE FOR REASONABLE REGULATIONS AND A PERMIT SYSTEM; TO PROVIDE FOR PREEXISTING STRUCTURES; TO REPEAL ALL OTHER ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF IN CONFLICT, TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE VILLAGE OF BENEDICT, AND THAT THE SECTIONS MAY BE RENUMBERED; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY AFTER PASSAGE, PUBLICATION, POSTING, AND PROCLAMATION AS OTHERWISE PROVIDED.

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF BENEDICT, NEBRASKA:

Section 1. That Chapter 3, Article 1 of the Code of the Village of Benedict is hereby amended by repealing the prior Article 3-123, Chapter 3 and adopting new Articles 3-123 through 3-123.05, Chapter 3 with the following new sections which are hereby adopted and shall read as follows:

§3-123. MUNICIPAL WATER DEPARTMENT; WELL-HEAD PROTECTION; INTENT. The intent of sections 3-123 through 3-123.05 is to establish control by the Village of Benedict over the location of future potential sources of contamination within the Village, and its extraterritorial jurisdiction, of the Village's drinking water system, so as to prevent or minimize any hazard to the safety of the Village's drinking water.

§3-123.01 MUNICIPAL WATER DEPARTMENT; WELL-HEAD PROTECTION; WATER WELL DEFINED. For purposes of sections 3-123 through 3-123.05, "water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water. Water well shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried or inserting media to repressure oil or natural gas bearing formations.

§3-123.02 MUNICIPAL WATER DEPARTMENT; WELL-HEAD PROTECTION; STRUCTURES OR ACTIVITIES; SPECIFIED DISTANCES. It shall be unlawful to place, maintain, construct, or replace any of the following structures or conduct any of the following activities within the distance specified below from an existing Municipal water well:

CATEGORY	DISTANCE
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Absorption or Disposal Field for Waste	500 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Corral	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Chemical or Petroleum Product	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	50 feet
Sanitary Sewer Line (Permanent Water Tight)	10 feet

§3-123.03 MUNICIPAL WATER DEPARTMENT: WELL-HEAD PROTECTION ; STRUCTURE OR ACTIVITY; PERMIT REQUIRED. The placing, maintaining, constructing or replacing of any structure or activity as set forth in §3-123.02 of this Article, hereinafter termed a §3-123.02 Structure or Activity, within the corporate limits or within one mile of the corporate limits of the Village shall not be started unless a permit approved by the Village building permit process has been obtained.

§3-123.04 MUNICIPAL WATER DEPARTMENT: WELL-HEAD PROTECTION: STRUCTURE OR ACTIVITY; WAIVE ; CONDITIONS. The Village Board of Trustees may consider allowing a §3-123.02 Structure or Activity closer to a Municipal water well than the limitations set forth in §3-123.02 hereof. Closer placement shall be allowed only under the following conditions:

- (1) An application must first be filed with the Village Clerk. Preference for approval will be given to §3-123.02 Structures or Activities that do not disturb any water bearing strata;
- (2) The Village Board of Trustees 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 their examination and report, shall be paid by the applicant, in addition to any previously paid estimated costs;
- (3) The Village Board of Trustees 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 §3-123.02 Structure or Activity, as above defined, the Village Board of Trustees must act to prevent all sources of possible or likely water contamination;
 - (4) If the Village Board of Trustees approved the installation, it shall submit the application, together with the engineer's report, to the Department of Health of the State of Nebraska for final approval or denial; and
 - (5) No installation shall be made without the approval of both the Village Board of Trustees and the Department of Health of the State of Nebraska.

§3-123.05 MUNICIPAL WATER DEPARTMENT; WELL-HEAD PROTECTION; PREEXISTING STRUCTURES OR ACTIVITIES; CONTINUED USE: WHEN ALLOWED. §3123.02 Structures or Activities in existence and use, as of the effective date of sections 3-123 through 3-123.05, shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of the drinking water available for public use as the Village's drinking water. The owner of any §3-123.02 Structure or Activity shall have the burden of establishing the existence and use of said §4-123.02 Structure or Activity at the time of the effective date of sections 3-123 through 3-123.05.

Section 2. That all previous ordinances passed and approved heretofore and all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 3. It is the intention of the governing body, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the Village of Benedict, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 4. The Ordinance shall be in full force and effect immediately after its passage, approval and publication or posting according to law, and that the requirement that this Ordinance be read in full and approved on three different dates is hereby waived.

Section 5. If any section of this act, or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

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PASSED AND APPROVED this

day of 1995.

Chairman, Village Board

ATTEST:

Village Clerk