

## Seward

§3-141

Departments

§3-141

[Editor's Note: Sections 3-141 through 3-152 were formerly found as sections 9-834 through 9-838.05.]

**§3-141** **PLUMBING: WELL PERMIT.** It shall be unlawful for any person or persons to dig, drill or construct a well within the corporate limits of the City without first having obtained a permit therefor from the City Council. The applications for private well permits shall be obtained from the office of the Water-/Wastewater Superintendent and shall set forth:

- A. Location of proposed well in conjunction with sewers. No well shall be located within twenty-five feet (25') of any sewer line, private or public. No well shall be located within fifty feet (50') of any septic tank or within one hundred feet (100') of any disposal field.
- B. Location of proposed well in conjunction with water lines. No well shall be located within twenty-five feet (25') of any water line, private or public.
- C. Minimum clearance from property line of two feet (2').
- D. Depth of proposed well.
- E. Size and type of casing to be installed.
- F. Pumping equipment to be used.
- G. Name and address of well driller.
- H. Assurance that no water from the private well shall be used for domestic purposes, but shall be used solely for lawn irrigation and garden irrigation or for water used in heating or cooling equipment. Any permits required by the State of Nebraska and the Upper Big Blue Natural Resource District be submitted prior to issuance of a permit by the City. Disposal of water for heating or cooling shall be through reinjection back to the same level of aquifer, except that during the spring, summer and fall months such water used for heating or cooling may be used for irrigation of lawn or garden. No water from the private well shall be allowed to run off into a City Storm Water Sewer. In addition, assurance shall be given that water from the private well shall be used exclusively on the property the well is located.

- I. Assurance that the property owner will install and maintain proper backflow prevention devices as prescribed in section 3-140.
- J. Assurance that a well log will be recorded by the well driller and filed with the Water/Wastewater Superintendent prior to use of said well.
- K. Assurance that the Water/Wastewater Superintendent may inspect said well during construction and any time thereafter; and that at least twenty-four (24) hours prior to well drilling, the well driller shall contact the Water/Wastewater Superintendent for final site approval.

Such application shall be accompanied with an application fee of one hundred dollars (\$100.00) which shall cover the inspections, no part of which is refunded if the application is denied. Application shall be good until April thirtieth (30th) following payment of such fee, after which such permit is renewable. (Ref. 6-1-119, 6-1-120 Code 1964) (Amended by Ord. Nos. 1065, 10/5/76; 11-81, 4/7/81; 11-85, 10/1/85; 17-85, 10/15/85; 15-93, 5/4/93)

**§3-142 PLUMBING; WELL DRILLER'S REGISTRATION, BOND AND INSURANCE.** Every well driller, before doing business in the City, shall be registered with the City. Registration forms may be obtained from the City Building Inspector. A registration fee of twenty-five dollars (\$25.00) per year shall be required. Each well driller shall obtain and file with the City a personal surety bond in the sum of ten thousand dollars (\$10,000.00) signed by one (1) or more sufficient sureties or a bond in a like amount of some approved corporate surety company doing business in the City to be approved by the Mayor and Council, conditioned that the licensee shall indemnify and hold harmless the City of and from all accidents, damages, liability, claims, judgment, costs or expense caused by any negligence arising from a failure to protect such drilling work, or by any unfinished, unskilled and inadequate work done in pursuance of his registration to drill wells, or arising out of furnishing defective material or from failure to execute and perform any work during the period of such driller's

§3-142

Departments

§3-143

registration. The obligee of said bond shall be the City and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one (1) year after the completion of any drilling work. All bonds tendered by drillers shall be approved in writing, as to form and substance by the City Attorney.

The applicant shall also provide a Certificate of Liability coverage with bodily injury coverage in the sum of at least THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) for the injury or death of any number of persons in any one (1) accident, and with a coverage of the sum of at least ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00) for property damage in any one (1) accident. (Amended by Ord. No. 15-93, 5/4/93)

**§3-142.01 PLUMBING; NOTIFICATION OF WATER-/WASTEWATER SUPERINTENDENT PRIOR TO DRILLING WELL.** Well Drillers shall contact the Water/Wastewater Superintendent at least twenty-four (24) hours in advance of commencement of any work to advise him of the location and time drilling is to take place in order that final site approval may be given. (Ord. No. 18-85, 10/15/85) (Amended by Ord. No. 15-93, 5/4/93)

**§3-143 PLUMBING; TEMPORARY WELL PERMIT.** The City may grant a temporary well permit when an emergency is determined to exist for purposes other than lawn and garden irrigation. In granting said permit, the City may establish conditions under which said well is operated, including the purposes therefore, its location, the period of time during which such well shall be operated, conditions for the closing and capping of such well and such safety requirements as the Council may provide and such other conditions as may protect the health and welfare of the City. The application for a temporary well permit shall give the same information as required for a regular well permit and shall be accompanied with an application fee of fifty dollars (\$50.00), no part of which shall be refunded if application is denied. (Ord. No. 1099, 9/2/77) (Amended by Ord. Nos. 11-81, 4/7/81; 15-93, 5/4/93)

**§3-144** PLUMBING; ABANDONED PLUMBING WELLS. All abandoned wells shall be properly abandoned, closed up or destroyed in accordance with the "Minimum Standards for a Private Water Well in Nebraska," 1972 Edition and all amendments thereto and amended editions and any supplements thereto.

Whenever the Water/Wastewater Superintendent shall find a well which has been improperly abandoned and discontinued for use, it shall be his/her duty to notify or inform the owner of the property on which such well is located, in writing, that such well must be abandoned in accordance with this ordinance within three (3) days of the time of service of such notice. Upon failure of the owner of the property upon which said well is located to comply with such order, the Water/Wastewater Superintendent shall fill up, destroy or abandon such well, assessing the cost and expenses to the property and the property owner upon which such well is located. (Ord. No. 1065, 10/5/76) (Amended by Ord. Nos. 11-81, 4/7/81; 15-93, 5/4/93)

**§3-145** PLUMBING; WELLS; CROSS CONNECTIONS PROHIBITED. No cross connections shall be allowed from a private well to or from the City Water System. It shall be the duty of the owner or occupant of the property to give the Superintendent free access to the property at reasonable times for the purpose of making a cross connection inspection. If the Superintendent is denied entry to make said inspection, a judicial order for entry into and onto the property shall be obtained. If the Water/Wastewater Superintendent of the City finds that a cross connection exists, then he shall order the use of the private well to be permanently discontinued. The owner, tenant and lessee shall be liable severally and jointly for all damages to the City Water System and users of the City Water System caused by such cross connection. (Ord. No. 1065, 10/5/76) (Amended by Ord. Nos. 11-81, 4/7/81; 15-93, 5/4/93)

**§3-146** PLUMBING; WELLS; REVIEW AND RENEWAL OF PERMITS. Permits for private wells shall be reviewed by the City Council by April thirtieth (30th) of each year. The

§3-146

Departments

§3-149

records of the Water/Wastewater Superintendent, with respect to said wells, shall be reviewed before approval is given for renewal of the well permits. Well permits shall be reviewed annually, not later than the last day of April of each year. Owners of such wells shall pay an annual renewal fee of twenty dollars (\$20.00). The fees are to cover the cost of permit and record keeping. These fees shall be paid prior to April thirtieth (30th) of each year. Failure to renew the well permit shall be considered as abandonment of said well, and abandoning procedures shall be followed. (Ord. No. 1065, 10/5/76) (Amended by Ord. Nos. 11-81, 4/7/81; 11-85, 10/1/85; 17-85, 10/15/85; 3-89, 2/7/89; 15-93, 5/4/93)

**§3-147 PLUMBING; WELLS; SPECIFICATIONS; DISCONTINUANCE BY COUNCIL.** The City shall have power and authority to refuse to issue well drilling permits if it appears that the plan of drilling and construction is not sound, or the proposed driller does not have proper equipment, or if it appears that such well may endanger, impair or in any way interfere with the Municipal Public Water System of the City. (Ref. 6/1/121 Code 1964) (Amended by Ord. Nos. 1065, 10/5/76; 11-81, 4/7/81; 15-93, 5/4/93)

**§3-148 PLUMBING; WELLS; NEBRASKA MINIMUM STANDARDS ADOPTED.** The "Minimum Standards for a Private Water Well in Nebraska," 1972 Edition, are hereby adopted and such minimum standards, including all subsequent editions, amendments, supplements or appendices thereto are made a part of this Article as fully as if set forth at length herein. One (1) copy of said Minimum Standards shall be placed on file with the City Clerk, and any and all subsequent additions, amendments or supplements or appendices thereto shall be placed on file with the City Clerk. (Ord. No. 11-81, 4/7/81) (Amended by Ord. No. 15-93, 5/4/93)

**§3-149 PLUMBING; WELLS; SIGN.** All spigots or other connections to or from a private well shall have a sign thereon stating that water is not safe for drinking, and said sign shall

§3-149

Seward Code

§3-152

be continually maintained visibly upon said private well. (Ord. No. 11-81, 4/7/81) (Amended by Ord. No. 15-93, 5/4/93)

**§3-150** PLUMBING; WELLS; RESPONSIBILITY. The owner or the occupant of the property upon which a private well is located shall be responsible jointly and severally for all water usage from said private well. (Ord. No. 11-81, 4/7/81) (Amended by Ord. No. 15-93, 5/4/93)

**§3-151** PLUMBING; WELLS; DISCONTINUANCE; CANCELLATION OF PERMIT. The City Council may order the discontinuance of the use of a private well or wells where it has reason and cause to believe that the public health is endangered, and for that purpose may revoke and cancel any well permit or renewal of such permit after notice and hearing. Such permit or renewal thereof may be revoked and canceled by the City upon violation of any of the terms and provisions of this Article by the permittee or his successor in the interest to the property upon which such well is located or its occupants, in and to any private well after notice and hearing. (Ord. No. 11-81, 4/7/81) (Amended by Ord. No. 15-93, 5/4/93)

**§3-152** PLUMBING; WELLS; CONSENT BY PERMITTEE, ETC. The granting of a well permit or the renewal thereof to a permittee or its successors in interest shall constitute consent and shall grant consent by the permittee or any tenant thereon to and for the Water/Wastewater Superintendent of the City or his agents or employees to enter upon the premises upon which the well is located in order to take any action required by the Superintendent by this Article and to determine whether or not there is any violation of this Article by said well or the use thereof. (Ord. No. 11-81, 4/7/81) (Amended by Ord. No. 15-93, 5/4/93)