

ORDINANCE NO. 583

AN ORDINANCE OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA PROVIDING LIMITATIONS FOR THE PLACEMENTS ~~FOR THE PLACEMENT~~ OF WATER WELLS; PROVIDING DEFINITION; ESTABLISHING PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. The intent of this Ordinance is to establish control by the City of Gothenburg over the location of future potential sources of contamination within the proximity of the City's drinking water system, so as to prevent or minimize any hazard to the safety of the City's drinking water.

Section 2. For purposes of this Ordinance, "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 reservoir. 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.

Section 3. 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:

<u>Category</u>	<u>Distance</u>
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Corral	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 Field for Waste	500 feet

Section 4. The governing body, may consider allowing placement of water wells, as defined by Nebraska Regulations governing public water supply systems (Title 179, NAC 2) and 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 hereof. Closer placement shall be allowed only under the following conditions:

1. An application must first be filed with the city showing the type of water well to be installed, the materials used, the operation of the proposed unit, and the person responsible for the actual installation of the water well. Preference, for approval, will be given to installations that do not disturb any water bearing strata.

The City 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.

2. The governing body 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 governing body must act to prevent all sources of possible or likely water contamination.

If the governing body approves 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.

No installation shall be made without the approval of both the governing body and the Department of Health of the State of Nebraska.

Section 5. Water wells in existence and use, as of the effective date of this Ordinance, 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 to the City's drinking water. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this ordinance.

Section 6. Any person found violating any provision of this Ordinance shall be subject to a fine, not to exceed \$100.00. The continuation of a violation of this Ordinance shall be deemed an additional crime for every 24 hours of such continued violation. In addition, the City may obtain injunctive relief, and sue for

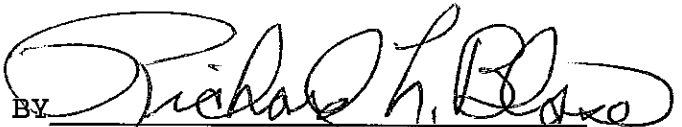
damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters.

Section 7. All ordinances or part of ordinances in conflict herewith are hereby repealed.


Section 8. This Ordinance shall become effective from and after its passage, approval, and publication as provided by law.

Passed and approved this 16th day of June, 1992.

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA

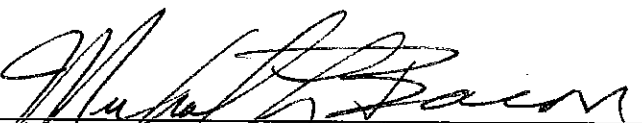
BY 
Richard L. Blase, Mayor

ATTEST:



Connie Stull, City Clerk

APPROVED AS TO FORM:



Michael L. Bacon,
City Attorney