

§ 52.046 HOOKUP REQUIRED.

(A) All private property within the city and located within 300 feet of the city water system shall be required, upon notice by the City Manager, to make a proper connection to the city water system.

(B) It shall be the duty of the owner of such private property to make or cause to be made, maintained, and repaired a proper connection with the city water system within ten days of the notice set forth in division (A) above.

(C) Should the owner of such property fail or neglect for ten days after service of notice to comply with this section, then the city shall cause such connection to be made and the costs thereof, including all necessary water meters, when certified to the City Council, shall by the Council, be assessed against such property as a special assessment, and the costs will be collected as other special assessments and special taxes as provided by law.

('85 Code, § 3-120) Penalty, see § 52.999

Statutory reference:

Authority to order connections; cost assessment, see Neb. RS 16-667.03

§ 52.048 PRIVATE WELLS.

No private wells shall be drilled, constructed, or used on any private property within the city if the water is being used for human consumption, including drinking, culinary, or domestic purposes, if the water being used for human consumption has been determined by proper authority not to meet safe drinking water requirements.

Penalty, see § 52.999

WELLHEAD PROTECTION AREA CODE

§ 52.050 TITLE.

This subchapter, and any amendments pertaining hereto, shall be known as the Wellhead Protection Area Code.

§ 52.051 PURPOSE.

The purpose of this subchapter is to protect the public water supply system of the city from contaminants which are reasonably likely to move toward and reach a municipal water well or wellfield.

The city has designated a Wellhead Protection Area and Wellhead Protection Area Plan for the purpose of protecting the public water supply system. The boundaries are based upon the Wellhead Protection Area Map presented to the city by the Nebraska Department of Environmental Quality, dated October 2004, and incorporated by reference herein.

§ 52.052 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

WELLHEAD PROTECTION AREA. Wellhead Protection Area means the surface and subsurface area surrounding a public water supply well or wellfield, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

§ 52.053 WELLHEAD PROTECTION AREA PLAN.

The city has adopted a Wellhead Protection Area Plan for the purpose of protecting the public water supply system. The Wellhead Protection Area Plan is incorporated by reference herein.

§ 52.054 WELLHEAD PROTECTION AREA BOUNDARIES.

For the purpose of this subchapter, the following boundaries shall apply:

(A) INDIAN HILLS WELLFIELD

Referring to the NW corner of Section 24, Township 14 North, Range 39 West of the 6th P.M.; thence east a distance of 2,640 feet; thence south a distance of 1,320 feet to the point of beginning; thence east a distance of 5,280 feet; thence south a distance of 3,960 feet; thence east a distance of 1,320 feet; thence south a distance of 9,240 feet; thence west to a point that being the center right-of-way line of North Spruce Street; thence in a southwesterly direction along said right-of-way to the south line of Section 31, Township 14 North, Range 38; thence west to a point being the SW corner of Section 36, Township 14 North, Range 39; thence north 6,600 feet; thence east 2,640 feet; thence north 7,920 feet to the point of beginning.

(B) NORTH WELLFIELD

Referring to the NW corner of Section 20, Township 14 North, Range 38

West of the 6th P.M. that being the point of beginning; thence east a distance of 9,240 feet; thence south a distance of 7,920 feet; thence west a distance of 5,280 feet; thence north a distance of 1,320 feet; thence west a distance of 3,960 feet; thence north a distance of 6,600 feet to the point of beginning.

(C) SOUTH WELLFIELD

Beginning at the center of Section 12, Township 13 North, Range 39 West of the 6th P.M. that being the point of beginning; thence east to the center right-of-way line of South Highway 61; thence south along said centerline to a point being the intersection of Prospector Drive and South Highway 61; thence northeasterly along the centerline of Prospector Drive to a point being the centerline of Section 7, Township 13 North, Range 38; thence east to the east line of Section 7, Township 13 North, Range 38; thence south 5,280 feet; thence west 7,920 feet; thence north 5,280 feet to the point of beginning.

§ 52.055 ENCROACHMENT OF POTENTIAL SOURCES OF CONTAMINATION.

PROTECTION. The minimum distance separating the Municipal water supply wells of the City of Ogallala from potential sources of contamination shall be as follows:

- (A) 1,000 Feet - All Water Wells, including but not limited to, Domestic Supply Wells, Irrigation Wells, Stock Wells, and Heat Pump Wells
- (B) 1,000 Feet - Sewage Lagoon
- (C) 1,000 Feet - Feed Lot, Feed Lot Runoff, or Animal Waste Disposal
- (D) 1,000 Feet - Sanitary Landfill
- (E) 500 Feet - Septic Tank
- (F) 500 Feet - Sewage Treatment Plant
- (G) 500 Feet - Sewage Wet Well
- (H) 500 Feet - Absorption or Disposal Field for Waste
- (I) 500 Feet - Land Application of Solid or Liquid Waste
- (J) 500 Feet - Sanitary or Industrial Discharges
- (K) 500 Feet - Chemical Storage (Dry or Liquid)

- (L) 500 Feet - Petroleum Storage
- (M) 500 Feet - Corral or Animal Enclosure
- (N) 100 Feet - Sanitary Sewer Connection
- (O) 100 Feet - Sanitary Sewer Manhole
- (P) 50 Feet - Sanitary Sewer Line
- (Q) 10 Feet - Sanitary Sewer Line (Permanently Water Tight)

If the City of Ogallala or the Nebraska State Department of Health determine that surface runoff or underground movement from potential sources of contamination may adversely affect the quality of water in a Municipal water supply well, the distance separating these potential sources of contamination and the Municipal water supply well shall be greater than the minimum distance listed in the above schedule, as determined by the City of Ogallala or the Nebraska State Department of Health.

Any person who intends to construct a potential source of contamination or enlarge an existing potential source of contamination shall file a written application for a permit with the City Manager. The City Manager may approve a permit which conforms to the distance requirements of this section; *provided, however,* if the City Manager determines that the proposed construction poses a risk of contaminating a Municipal water supply well, the City Manager shall deny the permit. The applicant may appeal the decision of the City manager to the Ogallala City Council by filing a notice with the City Clerk within 30 days of the City Manager's decision. Appeal of the decision of the Ogallala City Council shall be to the District Court of Keith County, Nebraska within 30 days of the Ogallala City Council's decision.

The City Council may consider an application for potential sources of contamination which are proposed to be in closer proximity than the minimum distances listed above. The City Council may only approve such potential sources of contamination when there is no other reasonable location for the potential sources of contamination and when the City Council and the Nebraska State Department of Health determine that such location will not constitute a pollution hazard to a Municipal water supply well. The City of Ogallala shall be required to retain a professional engineer to provide a written report demonstrating that such location will not constitute a pollution hazard to a Municipal water supply well. The cost of the professional engineer, including and fees, and estimated costs and expenses, shall be paid by the applicant prior to the commencement of the engineering report. The applicant may appeal the decision of the Ogallala City Council by filing a notice of appeal with the District

Court of Keith County, Nebraska within 30 days of the Ogallala City Council's decision.

Fees for contamination source permits shall be established by resolution of the City Council.

The provisions of this section shall apply to all land within the City of Ogallala, Nebraska, Wellhead Protection Area boundaries.

The provisions of this section shall supersede any land use regulation which allows the installation of a potential source of contamination. Nothing in this section shall be construed to allow the installation of any potential source of contamination which is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance.

(Neb. RS 46-1501 through 46-1509.)