

ORDINANCE No. 4421

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING CHAPTER 32, ARTICLE VI, OF THE HASTINGS CITY CODE PERTAINING TO WATER; REVISING THE BOUNDARIES OF THE HASTINGS INSTITUTIONAL CONTROL AREA; DEFINING TERMS; REPEALING INCONSISTENT PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Hastings City Code Section 32-601 be amended to read as follows:

32-601. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) Available. A water main shall be deemed to be available to a property used primarily as a dwelling when such main lies within two hundred (200) feet of the property line of such property unless, in the judgment of the Board of Public Works, connection to such main cannot be reasonably and practically made.

(2) Belt Line, Main or Commercial Main. Any pipe, other than a supply pipe, used for the purpose of carrying water to or distributing it in the city.

(3) Board. The City's Board of Public Works, sometimes referred to as Hastings Utilities, and any department or employee designated by the Board to carry out any of the functions assigned to the Board under the terms of this Article.

(4) City Engineer. Use of the term "City Engineer" in this Article shall be deemed to include the City Engineer or any designee or representative of the City Engineer.

(5) Contaminated water or groundwater. Water or groundwater shall be deemed to be contaminated if testing results show that the amount of any element, substance, compound, or mixture, including disease-causing agents, exceeds the maximum contaminant level established for such substance under the drinking water standards established by Title 179, Nebraska Administrative Code, Chapter 2, Section 002.

(6) Department. The City's Department of Development Services, which is generally charged with the functions of planning, inspections, code compliance and

community development.

(7) Domestic Water Well. A water well, other than a public water supply well, which provides water for (a) domestic use, (b) the watering of farm animals (such as livestock and poultry) on lands not exceeding two acres in area, (c) the irrigation of lands not exceeding two acres in area, or (d) the utilization of the geothermal properties of groundwater for heating or cooling purposes.

(8) Domestic Use. Any use of groundwater required for human needs of health and sanitation, including but not limited to drinking, cooking, washing, bathing, showering, and other similar household uses of water.

(9) Geothermal Water Source Heat Pump System. The installation, operation, or use of any well, device, piping, or other apparatus for the purpose of utilizing the geothermal properties of groundwater, whereby water passes through a heat exchanger to provide heating or cooling from the geothermal properties of the groundwater, and the spent water is discharged to the surface or subsurface. This system is sometimes referred to as a "pump and dump" system.

(10) Institutional Control Area. An area wherein contaminated soils and groundwater are located, and which has been designated by city ordinance as an institutional control area.

(11) Institutional Controls. Non-engineering measures, such as governmental controls, proprietary controls, enforcement tools, and informational devices, intended to affect human activities in such a way as to prevent or reduce exposure to hazardous substances within an institutional control area.

(12) Nonpotable Water Well. Any water well other than a domestic water well or a public water supply well.

(13) Person. This term shall be deemed to include any person, whether one or more, and any corporation, partnership, limited liability company, limited liability partnership, or other entity.

(14) Public Water Supply Well. A water well designed and used to provide water for a public water supply system which provides the public piped water fit for human consumption, where such system has at least 15 service connections or regularly serves at least 25 individuals.

(15) Separate Premises. When considering the expediency of permitting deduct meters or more than one consumer to secure water from the same service or supply pipe shall be construed to mean a separate dwelling or apartment, a building or

structure used for a separate business or each distinct business in a business building or structure; provided, that if deduct meters for two or more consumers be allowed or permitted on the same service or supply pipe, each customer shall be billed for and shall pay the monthly minimum; and provided further; that where a separate business and a dwelling are used in connection by the same owner or by the same tenant and are on the same city lot and are occupied by the same person and his family, the same shall constitute a separate premises.

(16) Service Pipe. The pipe extending from the curb cock or valve to the meters.

(17) Supply Pipe. Any pipe tapped into a main and extending thence to and including the curb cock or valve, to the curb line of the street; and when used in connection with a fire main or sprinkler system shall mean the pipe extending from the main or belt line to the wall of the building.

(18) Water Main. A pipe transporting water produced by one or more public water supply wells.

(19) Water Well. 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, obtaining hydrogeologic information, or extracting water from or injecting water into the underground water reservoir.

(20) Well Owner. (Also referred to herein as the owner of a well.) The person who is the record title owner of the real estate upon which a well is located.

(21) Beneficial Use. The utilization of water for any productive use for which water quality and quantity is protected, including but not limited to recharge of ponds and streams and irrigation of crops or lawns.

SECTION 2. That Hastings City Code Section 32-611 be amended to read as follows:

32-611. Contaminated groundwater; findings and intent.

(1) The Hastings City Council finds and determines that certain contaminants have, for many years, existed in certain areas of the groundwater in and near the City of Hastings, and that certain legislation is necessary and appropriate for the purpose of supplementing the various measures undertaken by the City of Hastings and others, aimed at reducing or eliminating the possibility that humans will come into contact with such contaminants.

(2) It is the intention of the City that existing water wells within the area where

contaminated groundwater exists, which area shall be hereafter known as the Hastings Institutional Control Area, shall be allowed to remain in existence only if reasonable safeguards are implemented so that there is no reasonable likelihood of human contact with the contaminants in the groundwater.

(3) It is also the intention of the City that no new domestic water wells may be installed within the Hastings Institutional Control Area.

(4) It is not the intention of the City to prevent the installation of agricultural irrigation wells, wells for the provision of water to farm animals on land of more than two acres, or the installation of wells for non-contact use by businesses within the Institutional Control Area, so long as adequate safeguards are in place to prevent human consumption of the water from said wells.

SECTION 3. That Hastings City Code Section 32-612 be amended to read as follows:

32-612. Declaration of Hastings Institutional Control Area.

The controls described in Code Sections 32-601 and 32-611 et seq., shall apply within the bounds of the Hastings Institutional Control Area, which boundaries are hereby defined as follows:

Beginning at the intersection of 12th Street and Highland Drive in Hastings; thence East on 12th Street to Maxon Avenue; thence South on Maxon Avenue to Prairie Lake Road; thence west on Prairie Lake Road to Baltimore Avenue; thence north on Baltimore Avenue to Idlewilde Road; thence west on Idlewilde Road to Marian Road; thence north on Marian Road to Highway 6, also known as J Street; thence west on Highway 6, also known as J Street, to Southern Hills Drive; thence north on Southern Hills Drive, and continuing north on Highland Drive to the point of beginning.

SECTION 4. That Hastings City Code Section 32-615.01 be amended to read as follows:

32-615.01. Geothermal water source heat pump systems.

Geothermal Water Source Heat Pump Systems may be installed and operated within the City of Hastings, and its two mile extraterritorial jurisdiction, subject to permitting and other applicable requirements of the Hastings City Code; provided that discharge of the spent water from any such system shall be dedicated to a beneficial use, and shall not include chemical additives for cleaning or descaling, nor shall it create a threat to public health or safety, a nuisance, or unlawful pollution of waters of the state. In no event shall the spent water from any Geothermal Water Source Heat Pump System be directed or allowed to enter into or onto any publicly maintained street right of way, road right of way, ditch, storm sewer system, or sanitary sewer system. Any non-potable water supply on the property where a geothermal water source

heat pump system is installed must have a back flow preventer installed on the potable water supply.

SECTION 5. That Hastings City Code Section 32-616 be amended to read as follows:

32-616. Permitting of water wells; application for well permit.

The following information shall be submitted to the Department in connection with applying for a well permit for a domestic water well or a nonpotable water well within the City of Hastings or its two mile extraterritorial jurisdictional area:

- (1) The name and address of the person owning the real estate on which the proposed well is to be located.
- (2) The address and legal description of the property on which the proposed well is to be located.
- (3) The address of all properties to be served by groundwater pumped from the proposed well.
- (4) A description of the uses to be made of water to be pumped from the proposed well. The application shall state whether the groundwater will be used for human consumption including, but not limited to, drinking, cooking, washing, or other household uses.
- (5) The depth of the proposed well.
- (6) An accurate diagram showing the location of the proposed well in respect to the boundaries of the property, the nearest street, road, or highway intersection, and any on site septic or waste disposal system.

The well for which a permit has been obtained must be installed within six (6) months after issuance of the permit, unless the Board, for good cause, grants an extension of the permit. The well permit shall expire unless the well is installed within such six month period, or any extension thereof.

SECTION 6. That Hastings City Code Section 32-618 be amended to read as follows:

32-618. Special exceptions for domestic water wells in the Institutional Control Area.

- (1) Any domestic water well in existence within the Institutional Control Area on the effective date of this ordinance may remain in use so long as the water, either at the wellhead, or after point of use treatment, meets the drinking water standards established by Title 179, Nebraska Administrative Code, Chapter 2, Section 002. The determination of whether the water

meets such standards shall be made by the Board.

(2) All point of use treatment devices shall be installed and maintained at the expense of the property owner; provided that nothing herein shall prevent the property owner from pursuing damages or other relief from any party responsible for contamination of groundwater available to the property owner.

(3) Any such existing domestic water well may be redrilled or replaced so long as the redrilled or replaced well meets one of the above exceptions; provided however, such right shall exist only if an existing water main is not available to the property served by such domestic water well. Any replacement well may be drilled or installed only within one hundred (100) feet of the original domestic water well, and the location must first be approved by the Department and the Board.

SECTION 7. That existing Hastings City Code Sections 32-601, 32-611, 32-612, 32-615.01, 32-616, and 32-618, and all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 8. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 9. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being December 24, 2014, and this ordinance shall thereafter be included in the Hastings City Code Book.

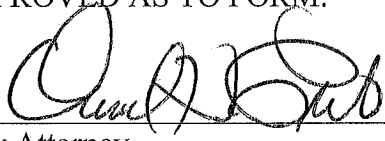
PASSED AND APPROVED this 8th day of December, 2014.



Kenn P. Powers
Mayor

Connie Hartman
City Clerk

APPROVED AS TO FORM:



City Attorney