

ORDINANCE NO. 428

AN ORDINANCE OF THE VILLAGE OF WILCOX, NEBRASKA, PROVIDING FOR WELLHEAD PROTECTION AND RESTRICTIONS, REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF WILCOX, NEBRASKA, AS FOLLOWS:

1. The Village of Wilcox, Nebraska, hereby establishes a Wellhead Protection Ordinance for the purpose of protecting the public water system, and it is hereby established to provide as follows:

"MUNICIPAL WATER DEPARTMENT: WELL HEAD PROTECTION.

1. In accordance with Title 179 Chapter 2, Nebraska Department of Health: Regulations Governing Public Water Supply Systems, the minimum horizontal distance in feet separating a Municipal water supply well of the Village of Wilcox for potential sources of contamination shall be as described below:

<u>CATEGORY</u>	<u>FEET</u>
All Water Wells, including but not limited to, domestic supply wells, irrigation wells, stock wells, and heat pump wells	1,000
Sewage Lagoon	1,000
Absorption or Disposal Field for Waste	500
Cesspool	500
Dump	500
Feedlot or Feedlot Run-off	500
Corral	500
Pit Toilet	500
Sanitary Landfill	500

Chemical or Petroleum Product Storage	500
Septic Tank	500
Sewage Treatment Plant	500
Sewage Wet Well	500
Sanitary Sewer Connection	100
Sanitary Sewer Manhole	100
Sanitary Sewer Line	50
Sanitary Sewer Line (Permanently Water Tight)	10

When, in the judgment of the Village of Wilcox or the Nebraska State Department of Health, surface run-off 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 well shall be greater than that listed in the above schedule.

2. Any person desiring to erect a new contamination source or enlarge an existing one shall file an application for a permit with the Water/Sewer Commissioner, on a form furnished by the Municipality for that purpose. The Water/Sewer Commissioner may approve a permit which conforms to the distance requirements of this section. If, however, in the opinion of the Water/Sewer Commissioner, the proposed use poses a risk of contaminating a Municipal water supply well, he shall deny the permit. The applicant may appeal the decision of the Water/Sewer Commissioner to the Governing Body by filing an appeal with the Village Clerk within 30 days of the Water/Sewer Commissioner's decision. Appeal of the decision of the Governing Body shall be to

the District Court of Kearney County, Nebraska within 30 days of the Governing Body's decision.

The Village Board of Trustees may consider location of potential contaminant sources in closer proximity than the minimum distances listed above. Approval for such location may be given when circumstances require such location and when, in the opinion of the Village Board of Trustees and the Nebraska State Department of Health, a professional engineer retained by the applicant demonstrates that such location will not constitute a pollution hazard to the Village's water supply.

Fees for contamination source permits shall be established by resolution of the Village Board of Trustees.

3. The provisions of these regulations shall apply to all land within the corporate limits of the Village of Wilcox, Nebraska, and that portion of the unincorporated area within one mile of the corporate limits of the Village of Wilcox.
4. The provisions of this section shall supersede any land use regulation which allows the installation of a potential contaminant source on a parcel of land. Nothing in this section shall be construed to allow the installation of any category of contamination source which is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance."

2. All other ordinances and resolutions, or parts thereof, passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict herewith, are hereby repealed.

3. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 7 day of August, 2001.

VILLAGE OF WILCOX, NEBRASKA,
A Municipal Corporation,

By Blas Johnson
Chairman, Board of Trustees

(Seal)

ATTEST:

Melinda Ferree
Village Clerk

ORDINANCE NO. 431

AN ORDINANCE OF THE VILLAGE OF WILCOX, NEBRASKA TO DESIGNATE A WELLHEAD PROTECTION AREA, REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Section 1. Definitions. Wellhead Protection Area means the surface and subsurface area surrounding a water well or well field, supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or wellfield.

Section 2. The Village Board designates a Wellhead Protection Area for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area are (see attached map). This delineation is based upon a map prepared by the Nebraska Department of Environmental Quality and presented to the Village on August 28, 2000.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval, and publication of this ordinance and in conflict herewith, is hereby repealed. Ordinance No. 428 previously passed and approved on August 7, 2001, is not being repealed; but, rather, shall remain in full force and effect.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 4th DAY OF
September, 2001.

VILLAGE OF WILCOX
A MUNICIPAL CORPORATION,

By B. Lee Johnson
Chairman, Board of Trustees

(SEAL)

ATTEST:

Melinda Ferree
Village Clerk