

APPENDIX D: ANNUAL SELECT ORDINANCES AND MUNICIPAL CODE

ORDINANCE 1978: ADOPTING ZONING

- Adopted January 18th, 2007

ORDINANCE 2154: ADOPTION OF THE JANUARY 2016 WHPA MAP

- Adopted June 16, 2016

ORDINANCE XXXX: WELLHEAD PROTECTION ORDINANCE/ZONING UPDATES

- To Be Adopted

ORDINANCE XXXX: ADOPTION OF THE WELLHEAD PROTECTION PLAN

- To Be Adopted

NEBRASKA STATE STATUTES PERTAINING TO WELLHEAD PROTECTION

- Section 46-1501 to 46-1509

To be inserted after adoption

THIS PAGE LEFT INTENTIONALLY BLANK

ORDINANCE NO. 1978

AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS AND OFFICIAL ZONING MAP; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS AMENDED; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YORK , NEBRASKA THAT APPENDIX A, ZONING ORDINANCE OF THE MUNICIPAL CODE OF YORK, NEBRASKA BE AMENDED TO READ AS FOLLOWS:

Section 1. For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community of York, Nebraska and to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, the zoning regulations of the City of York, presented and prepared by said City are hereby amended. The adoption of such revised zoning regulations shall include any future amendments thereto as may be made from time to time. Said amended zoning regulations, as well as such amendments, are hereby incorporated by reference in this ordinance as if set out in full. One (1) copy of the zoning regulations shall be maintained by the municipal clerk at the City office and available for public inspection during regular office hours. (*Ref. 18-132, 19-922RS Nebr.*)

Section 2. The City of York, Nebraska and certain properties within and up to two-miles in all directions of its corporate limits are hereby divided into zones, or districts, as shown on the official zoning map which, together with all explanatory material and documentation is hereby adopted by reference, declared to be part of the zoning regulations of the City of York and further declared to be part of this Ordinance. The official zoning map shall be identified by the signature of the mayor, attested to by the municipal clerk and bearing the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map referred to in Appendix A, Zoning Ordinance of the City of York, Nebraska, adopted January 18, 2007. The official zoning map of the area within the corporate limits and the planning jurisdiction area adjacent and two miles beyond the corporate limits of the City of York, together with all changes, amendments or additions thereto, shall be maintained in the office of the municipal clerk and available for public inspection during regular office hours."

Section 3. Any ordinance or part of ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with the provisions of this ordinance, is hereby repealed.

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

PASSED AND APPROVED this __ 18th day of January, 2007



Mayor

ATTEST:



C. J. Smith

Clerk/Treasurer

ORDINANCE NO. 2154

AN ORDINANCE TO THE CITY OF YORK, NEBRASKA TO AMEND ARTICLE XXXIV OF THE YORK MUNICIPAL CODE DESIGNATING A WELLHEAD PROTECTION AREA, AS DRAWN BY LEGGETTE, BRASHEARS, AND GRAHAM, INC., AS ADOPTED BY THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY, WELLHEAD PROTECTION PROGRAM, DATED JANUARY 2016, AND AS SHOWN ON EXHIBIT "A" TO THIS ORDINANCE; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. Definitions. 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 well field.

Section 2. The City Council designates a Wellhead Protection Area for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area are as shown on Exhibit "A" to this ordinance, and are based upon the delineation map published by the Nebraska Department of Environmental Quality on January 4, 2016. The boundaries of the Wellhead Protection Area are:

ALL OF SECTIONS 22, 23, 24, 25, 26, 27, THE EAST HALF OF SECTION 28, THAT PART OF THE NORTHEAST QUARTER OF SECTION 33 LYING NORTH OF THE BURLINGTON NORTHERN RAILROAD, ALL OF SECTIONS 34, 35, AND 36, ALL IN TOWNSHIP 11 NORTH, RANGE 3 WEST, TOGETHER WITH ALL OF SECTIONS 1 AND 2, THE EAST HALF OF SECTION 3, THE NORTH HALF OF SECTION 11, THE NORTH HALF OF SECTION 12, ALL IN TOWNSHIP 10 NORTH RANGE 3 WEST, TOGETHER WITH THE WEST HALF OF SECTION 4, ALL OF SECTIONS 5 AND 6, THE NORTH HALF OF SECTION 7, THE NORTH HALF OF SECTION 8, ALL IN TOWNSHIP 10 NORTH, RANGE 2 WEST, TOGETHER WITH ALL OF SECTION 19, THE SOUTHWEST QUARTER OF SECTION 20, THE SOUTHWEST QUARTER OF SECTION 28, ALL OF SECTIONS 29, 30, 31, 32, AND THE WEST HALF OF SECTION 33, ALL IN TOWNSHIP 11 NORTH, RANGE 2 EAST OF THE SIXTH P.M., YORK COUNTY, NEBRASKA, CONTAINING 14560 ACRES, MORE OR LESS.

AND

THE SOUTHEAST QUARTER OF SECTION 25 AND THE NORTHEAST QUARTER OF SECTION 36, ALL IN TOWNSHIP 10 NORTH, RANGE 3 WEST, TOGETHER WITH THE SOUTHWEST QUARTER OF SECTION 30 AND THE NORTHWEST QUARTER OF SECTION 31, ALL IN TOWNSHIP 10 NORTH, RANGE 2 WEST OF THE SIXTH P.M., YORK COUNTY NEBRASKA, CONTAINING 640 ACRES, MORE OR LESS.

Section 3. That a copy of the map of the Wellhead Protection Area for the City of York, Nebraska is on file and shall be kept in the office of the Department of Utilities for the City of York, Nebraska.

Section 4. That all Ordinances previously adopted by the Mayor and the City Council of the City of York, Nebraska, which are inconsistent and in conflict herewith this Ordinance are hereby repealed and without further force of effect.

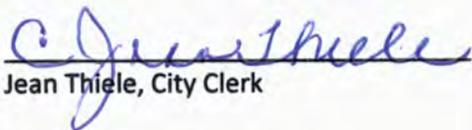
Section 5. That this ordinance shall be in full force and take effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 16 DAY OF June 2016.



Chuck Harris, Mayor

ATTEST:


Jean Thiele, City Clerk

STATE OF NEBRASKA WELLHEAD PROTECTION STATUTES

Below is a listing of Nebraska's legislature statutes that allow local jurisdictions to protect public health and safety. NDEQ administers the wellhead protection program and provides technical assistance to any controlling entity designating a wellhead protection area and adopting controls to limit potential threats to the public water supply.

WELLHEAD PROTECTION STATUTES

46-1501 – Act, how cited

Sections 46-1501 to 46-1509 shall be known and may be cited as the Wellhead Protection Area Act.

46-1502 - Terms defined

For purposes of the Wellhead Protection Area Act:

(1) Controlling entity means a city, a village, a natural resources district, a rural water district, any other entity, including, but not limited to, a privately owned public water supply system, or any combination thereof operating under an agreement pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act that operates a public water supply system;

(2) Department means the Department of Environmental Quality;

(3) Director means the Director of Environmental Quality; and

(4) 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 well or well field.

46-1503 - Wellhead protection area; designation

Any controlling entity may designate a wellhead protection area and adopt controls pursuant to the Wellhead Protection Area Act for the purpose of protecting the public water supply system. The department shall provide technical assistance to any controlling entity designating a wellhead protection area and adopting controls pursuant to the act.

46-1504 - Wellhead protection area designation; controlling entity; duties

Any controlling entity proposing to designate a wellhead protection area and adopt controls shall:

(1) Designate the boundaries of the wellhead protection area following the procedure in section 46-1505. The wellhead protection area shall be based on all reasonably available hydrogeologic information on groundwater flow, recharge, and discharge and other related information necessary to adequately determine the wellhead protection area for the purposes stated in this section;

(2) Identify within each proposed wellhead protection area all potential sources of contaminants which may have any adverse effect on the health of persons;

Nebraska State Wellhead Protection Statutes

(3) Describe a program that contains, as appropriate, technical assistance, financial assistance, implementation of controls, education, training, and demonstration projects to protect the water supply within the wellhead protection area from such contaminants;

(4) Include contingency plans for the location and provision of alternate drinking water supplies for each affected public water supply system in the event of water well or well field contamination by such contaminants; and

(5) Propose the controls necessary to provide protection from contaminants which may have any adverse effect on the health of persons served by the public water supply system of each participating controlling entity.

46-1505 - Proposed wellhead protection area; public notice and comment

The controlling entity shall publicize proposed boundaries for the wellhead protection area and the proposed controls and shall provide time for public comment at one or more regularly scheduled public meetings of the governing board of the controlling entity. Notice of the time for public comment shall be published in conjunction with notice of such regularly scheduled meeting. A description of the proposed boundaries and the text of the proposed controls shall be available at the office of the controlling entity for thirty days before such meeting. Persons shall be given the opportunity to speak on the proposed designation and the proposed controls or to submit written testimony for consideration by the controlling entity.

46-1506 - Boundaries of wellhead protection area; designation; procedure

Within sixty days after the last time for public comment under section 46-1505, the controlling entity shall make a final designation of the boundaries of the wellhead protection area and the controls necessary to protect the water in the wellhead protection area and shall submit them to the director for approval or disapproval. Such approval shall be based on whether the boundaries of the wellhead protection area are reasonably defined, the controls are reasonably related to the purpose of groundwater protection in the area, and such approval is in the public interest. The director shall act on the proposed designation of boundaries and proposed controls within ninety days after the date the proposals are received by him or her.

If the director approves the proposed boundaries and controls, he or she shall so notify the controlling entity, but the boundaries and controls shall not be deemed effective until the controlling entity has adopted such boundaries and controls by ordinance or resolution. If the director disapproves either or both of the proposals, he or she shall return the proposals to the controlling entity with an explanation of the reasons for such disapproval. The controlling entity may revise such proposed designation of boundaries and proposed controls and, after notice and hearing as provided for in the original proposed designation of boundaries and proposed controls, submit the revised proposed designation of boundaries and proposed controls to the director for approval or disapproval.

If the director does not act on either the original or revised proposed designation of boundaries and proposed controls within ninety days after submission by the controlling entity, the proposed designation of boundaries and proposed controls shall be deemed approved by the director.

46-1507 - Existing wellhead protection areas; effect of act

Any wellhead protection area established before July 15, 1998, by resolution or ordinance of the controlling entity need not be reestablished under the Wellhead Protection Area Act unless controls are proposed. If such controls are proposed, the controls and the boundaries of the wellhead protection area are subject to the requirements of sections 46-1504 to 46-1506. Any wellhead protection area purported to have been established before July 15,

Nebraska State Wellhead Protection Statutes

1998, other than by official action of a controlling entity shall be null and void beginning nine calendar months after July 15, 1998, unless reestablished by resolution or ordinance of the controlling entity.

46-1508 - Designated wellhead protection area; boundary area changes

A designated wellhead protection area may be amended as to boundaries and controls as provided for in the initial designation of a wellhead protection area in the Wellhead Protection Area Act.

46-1509 - Environmental Quality Council; rules and regulations

The Environmental Quality Council shall adopt and promulgate rules and regulations to carry out the Wellhead Protection Area Act.