

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

May 19, 2020

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

2. Roll Call

3. Items of Business

- A. Discuss and provide a recommendation to the City Council on approving the plans and cost opinion for the mill and asphalt overlay project on 12th St and Linden Ave and setting bid letting and opening dates.
- B. Discuss and provide a recommendation to the City Council on enacting Ordinance 2104: An ordinance relating to water wells and plumbing.
- C. Discuss enacting new City Code sections to provide a process for investigating and enforcing building code violations.

D. Discuss new parking lot options for the downtown area.

4. Officers' Reports

5. Adjournment

ORDINANCE NO. 2104

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO PLUMBING AND WATER WELLS; TO AMEND SECTIONS OF CHAPTER 9, ARTICLE 7; TO REPEAL REPETITIVE OR OBSOLETE PROVISIONS; AND TO PROVIDE FOR INVESTIGATIONS OF VIOLATIONS AND PENALTIES.

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

Section 1. That Chapter 9, Article 7, Section 9-702 of the Crete City Code shall be amended as follows:

§9-702 PLUMBING; WATER WELLS; PERMIT REQUIRED.

- (1) It shall be unlawful for any person ~~or persons to dig, drill, or construct, maintain, or use a water well or test well~~ within the corporate limits or extraterritorial zoning jurisdiction of the City of Crete, without having first obtained a water well permit therefor from the Building Inspector City of Crete. ~~The application for a water private wells permit shall be submitted in writing, and shall set forth:~~
 - ~~A. Location of proposed well;~~
 - ~~B. Intended use of the water;~~
 - ~~C. Depth of the Proposed well;~~
 - ~~D. Size and kind of casing to be installed;~~
 - ~~E. Pumping equipment;~~
 - ~~F. Name, address and license of well driller;~~
 - ~~G. Well driller's certification that design meets Nebraska Department of Health regulations.~~
- (2) All applications for water well permits shall be submitted in a form and manner prescribed by the Building Inspector and shall contain all of the information required by the City and by any applicable laws, rules, or regulations promulgated by the State of Nebraska or its agencies. All Such applications shall include the full permit fee or shall be denied. be accompanied with an application fee as listed in §9-201 of this code, which shall cover the cost of inspection and study of plans, no part of which shall be refunded if the application is denied. The provisions of this Section shall apply to test wells. Such fees shall be established by the City Council, and no fees or portion of fees shall be refundable.
- (3) Water well permits shall be valid for one year, and all persons maintaining or using water wells or test wells shall be required to have such wells inspected yearly by the Building Inspector and to obtain an annual permit to continue the maintenance or use of such water well or test well.

~~A well drilling log shall be filed with the City of Crete on completion of each well. This log shall contain at a minimum the strata encountered in drilling, the elevation at which there is a change in strata, and the static water level.~~

Section 2. That Chapter 9, Article 7, Section 9-703 of the Crete City Code shall be amended by repealing the existing Section 9-703 in its entirety and replacing it with the following:

§9-703 PLUMBING; WATER WELLS; LOCATION.

All water wells or test wells shall comply with the minimum separation distances specified in the rules and regulations of the Nebraska Department of Health and Human Services, except that the minimum separation

distance between a water well or test well and any septic tank must be at least one hundred feet (100').

Section 3. That Chapter 9, Article 7, Section 9-704 of the Crete City Code shall be amended as follows:

§9-704 PLUMBING; WATER WELLS; CROSS CONNECTIONS; PROHIBITED.

~~It shall be unlawful for any water well or test well to~~ No water from any private well shall be plumbed or connected in such a manner that City water from the water well or test well and the city's public water system well water are or could be connected, at the same time or each separately at different times, to the same piping system or appliance either both at the same time, or each separately at different times. The Plumbing Inspector may enter on to and inspect the owner's premises at all reasonable times when necessary to determine that no such cross connection of cross connections exist. If any cross connections exists are found by the Inspector to exist, the water well or test well shall be he or she may order the use of the private well to be permanently discontinued and decommissioned and/or the piping system shall be permanently disconnected from the city's public City water system. The owner, tenant and lessee shall be liable severally and jointly for all damages to the City water system and users caused by such cross connection.

Section 4. That Chapter 9, Article 7, Section 9-705 of the Crete City Code shall be amended as follows:

§9-705 PLUMBING; WATER WELLS; REGISTRATION; INSPECTION.

(1) All owners and/or operators of water wells or test wells located within the zoning jurisdiction of the City of Crete shall register their wells with the City of Crete by filing a well drilling log upon the completion of each well no later than sixty (60) days from the effective date of this Ordinance. The log shall contain all of the information required by the rules and regulations of the Nebraska Department of Health and Human Services for well logs. All registration forms shall be in writing and shall set forth:

- A. Location of well;
- B. Use of water from well;
- C. Depth of well;
- D. Size and kind of casing installed;
- E. Pumping equipment used;
- F. Sanitary seal description.

(2) All owners or operators of water wells or test wells shall be required to have the well inspected by the Building Inspector within sixty days following the construction or repair of any well. In the event the water well or test well is not in substantial compliance with any applicable laws, rules, or regulations, the well shall be repaired and reinspected within thirty days or the use of the well shall be immediately discontinued.

~~No well shall be modified in any manner, without application for a well permit. This registration requirement shall apply to all uncapped and unsealed wells whether they are currently producing water or not.~~

Section 5. That Chapter 9, Article 7, Section 9-706 of the Crete City Code shall be amended by repealing the existing Section 9-706 in its entirety and replacing it with the following:

§9-706 PLUMBING; WATER WELLS; BUILDING INSPECTOR AUTHORITY.

(1) The Building Inspector shall have the power and authority to refuse to issue a water well permit if it

appears that the water well or test well violates or will violate any laws, rules, or regulations promulgated by the City of Crete, the State of Nebraska, or its agencies or if it appears that the water well or test well may endanger, impair, or in any way interfere with the city's public water system.

- (2) Whenever a water well or test well is determined to have an unsafe water sample, pose a significant health or safety hazard, or pose a risk of groundwater contamination, the Building Inspector shall have the power and authority to issue stop use orders, order the repair of the well, order the water of the well to be treated to reduce health or safety risks, or order the well to be decommissioned.
- (3) When necessary, the Building Inspector shall have the power and authority to enter property containing a water well or test well at any reasonable time to inspect the well and the premises to determine if a violation of any laws, rules, or regulations relating to water wells or test wells exists.

Section 6. That Chapter 9, Article 7, Section 9-707 of the Crete City Code shall be amended by repealing the existing Section 9-707 in its entirety and replacing it with the following:

§9-707 PLUMBING; WATER WELLS; INVESTIGATIONS; VIOLATIONS; PENALTY.

- (1) The Building Inspector shall investigate suspected violations of any laws, rules, or regulations relating to water wells and test wells. Whenever the Building Inspector finds a violation, a notice of violation shall be issued specifying the corrective action to be taken. The Building Inspector shall issue a citation to any owner or operator of a water well or test well if the violations are not corrected within thirty days.
- (2) Any person who violates any laws, rules, or regulations promulgated by the City of Crete, the State of Nebraska, or its agencies relating to water wells or test wells or who fails to comply with a lawful order of the Building Inspector shall be guilty of a Class III misdemeanor. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative and in addition to any other penalty, forfeiture, or action provided by law.

Section 7. That the above sections shall be codified as part of the Crete City Code as stated herein.

Section 8. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 9. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED this 19th day of May 2020.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 21XX

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO BUILDING AND ZONING CODE ENFORCEMENT; TO AMEND CHAPTER 9, ARTICLE 1 BY ADDING A NEW SECTION 9-104; TO PROVIDE FOR INVESTIGATIONS OF VIOLATIONS; AND TO ESTABLISH A PROCESS FOR ENFORCEMENT.

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

Section 1. That a new Chapter 9, Article 1, Section 9-104 of the Crete City Code shall hereby be enacted to read as follows:

9-104 Building inspector; investigations; order to correct.

- (1) The Building Inspector shall investigate all reports of violations or potential violations of the building regulations found in Chapter 9 and the zoning regulations found in Chapter 11 and shall create and maintain records and reports on each investigation.
- (2) The Building Inspector shall issue and serve a written order to correct the violations on the property owner or the person responsible for the construction, alteration, repair, or other work to the property on which the violations exist. Such order shall fully describe the violations, provide information on the proper way to correct each violation, and direct the discontinuance and correction of said violations within thirty (30) days.
- (3) Any order issued pursuant to this section shall be deemed properly served if a copy thereof is delivered personally, sent by certified or registered mail addressed to the recipient's last known address with return receipt requested, or delivered in any other manner as prescribed by law for service of process.
- (4) If the person who received the order fails to correct the violations as ordered, the Building Inspector shall issue a citation or forward the records and reports on the investigation to the City Attorney for further action. The City Attorney may institute any appropriate proceeding at law or in equity to prosecute the violations; to restrain, correct, or abate such violations; or to require the removal or termination of the unlawful occupancy of the building or structure that contains the violations.
- (5) It shall be unlawful for any person to refuse to comply with a lawful order issued pursuant to this section. Any person convicted of refusing to comply shall be guilty of a Class III misdemeanor.

Section 2. That the above sections shall be codified as part of the Crete City Code as stated herein.

Section 3. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED this XX day of XXX 2020.

Mayor

ATTEST:

City Clerk

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